

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7120 of 2021**

Arising Out of PS. Case No.-419 Year-2019 Thana- RAJAON District- Banka

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MD SABIR SON OF ABDUR BAHAW R/O VILLAGE- CHAMPANAGAR,
P.S.- NATHNAGAR, DISTRICT- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-04-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Rajoun P.S. Case No.419/2019
registered for the offences punishable under Section 392 of the
Indian Penal Code.

The prosecution story in brief is that the informant
being driver of the Bolero Pickup bearing Registration
No.BR51-8086 along with other three persons were going
Taradih village carrying a cow on the vehicle but on way near
Lilatari more, four youngsters riding on two motorcycles
intercepted the informant's Bolero pickup and thereafter
committed loot.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. Learned counsel submits that the FIR is against unknown, the petitioner has been brought in this case but nothing has been recovered from his possession. He further submits that the petitioner has not been put on T.I.P. though he is in custody since 09.07.2020. It is submitted that the petitioner has otherwise no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the FIR is against unknown, the petitioner has been brought in this case but nothing has been recovered from his possession, he has not been put on T.I.P. though he is in custody since 09.07.2020, he has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka, in connection with Rajoun P.S. Case No.419/2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

