

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8864 of 2021**

Arising Out of PS. Case No.-587 Year-2020 Thana- FORBESGANJ District- Araria

MD. RUSTAM @ BANTHA MD. ISHAQUE ANSARI @ ISAHAK
ANSARI Resident Of Village - Rampur (South) Ward No. 10, P. S. -
Forbesganj, District - Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana,Advocate

For the Opposite Party/s : Mr.Dinesh Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-05-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Dinesh
Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Forbesganj P.S. Case No. 587 of 2020 registered for
the offences punishable under Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
informant alleged that while he was on way through his bicycle, two
unknown miscreants intercepted him and snatched his VIVO mobile
phone and cash of Rs.5,000/- on the point of knife and assaulted
him.

Learned counsel submits that the petitioner is innocent and



has falsely been implicated in the present case. It is submitted that the petitioner and co-accused Md. Mukhtar Ansari were going to buy cow and they were arrested on mere suspicion. The petitioner is in custody since 22.07.2020.

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 appears that the FIR is though against unknown, it is alleged that from possession of the petitioner and co-accused Md. Mukhtar Ansari a sum of Rs.30,000/- and VIVO mobile has been recovered, submission being that as per the FIR cash of Rs. 5,000/- was only looted from the informant, the petitioner and the co-accused were in fact going to purchase a cow and were apprehended on mere suspicion, they have remained in jail in connection with the present case for over 9 months and in the three cases against the petitioner, he is said to be on bail, considering that the petitioner has not been put on test identification parade till today and has remained in jail for over nine months, at this stage, 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 Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case No. 587 of 2020, 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'

