

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11117 of 2021**

Arising Out of PS. Case No.-112 Year-2017 Thana- PAHARKATTA District- Kishanganj

NAZIRUDDIN @ NAZIR Son of Sirajul Resident of Village - Bakrichara,
Khairabari, P.s.- Pothia, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 07-07-2021 . In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Paharkatta PS Case No. 112 of 2017 registered under Section 392 of the IPC.

Four persons have stopped the informant while he was moving on his motorcycle. It is alleged that he has been assaulted at gun point. His motorcycle, mobile and some cash have been snatched. He has identified the petitioner out of the four persons.

Learned Counsel for the petitioner submits that his implication is based on extraneous consideration. After his arrest there is no recovery of any incriminating material from the petitioner or based on any statement given by him. Though the informant



alleges to have identified the petitioner, till date no T.I. parade has been held. Since the date of arrest he continues to be in custody since 15.2.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, I, Kishanganj in Paharkatta PS Case No. 112 of 2017 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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