

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2878 of 2022**

Arising Out of PS. Case No.-198 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Ajmal Yazdani, Son of Noor Alam Resident of Village - Saptiya Bishanpur,  
Police Station- Kochadhaman, District - Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari

For the Opposite Party/s : Ms. Asha Devi

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      28-11-2022                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner seeks bail in connection with  
  
Kochadhaman P.S. Case No. 198 of 2020, registered for the  
  
offence punishable under Section 392 of the Indian Penal  
  
Code.

The prosecution case as emerging from the FIR is  
  
that the petitioner along with his associates looted a cash of  
  
Rs. 2,22,880/- from the informant on the point of pistol.

The learned counsel for the petitioner submits that  
  
the petitioner is innocent and has falsely been implicated in  
  
this case. He further submits that the name of the petitioner



transpired only on the basis of confessional statement of co-accused. He further submits that similarly situated co-accused, namely, Md. Niyaz Alam, has already been enlarged on bail by a co-ordinate Bench of this Court, vide order dated 16.11.2021, passed in Cr. Misc No. 22268 of 2021. He also submits that neither any recovery has been made from the conscious possession of the petitioner nor TIP has been conducted.

The petitioner has been languishing in jail since 30.01.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in four other cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 198 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal



antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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