

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8529 of 2022**

Arising Out of PS. Case No.-33 Year-2021 Thana- BALUA BAZAR District- Supaul

Md. Rustam @ Rustam Ali S/o Md. Basir R/o village- Balua, Ward No. 5,
P.S.- Balua Bazar, District- Supaul, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 25-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Balua
Bazar P.S. Case No. 33 of 2021 registered for the offence under
Section 392 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.09.2021.

The allegation against the petitioner is to commit
robbery and while committing so, made an attempt to take away
motorcycle of the informant.

Learned counsel appearing on behalf of the petitioner
submitted that it contents of the FIR be taken into consideration,



the occurrence is nothing but an attempt for robbery. It is submitted that no incriminating material recovered from the possession of the petitioner to connect with present case. It is also submitted that petitioner was known to the informant and due to differences over local issues, petitioner has been falsely implicated in this case. It is also submitted that petitioner involved in three(3) criminal cases, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered during course of investigation from conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Balua Bazar P.S. Case No. 33 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J. M. 1st, Supaul subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till



the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Mohammad Nijamu, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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