

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9556 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- KISHANGANJ District- Kishanganj

Matibul, Son of - Asgar Ali, Resident of Village- Chhagalia Belwa, P.S.-
Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kishanganj P.S. Case No. 164 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, the informant was looted by four miscreants and they took away his motorcycle, some cash and two mobile phones. The name of the petitioner surfaced during investigation.

The learned counsel for the petitioner submits that the



petitioner is not named in the FIR and his name came up during investigation on the basis of confessional statement of co-accused Md. Jakir. The petitioner has no concern with the alleged occurrence and nothing incriminating has been recovered from his conscious possession. He has been arrested merely on suspicion. No Test Identification Parade has been carried out and other co-accused Firoz Alam has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.03.2022 passed in Cr. Misc. No. 63079 of 2021. Charge-sheet has been submitted and the petitioner is in custody 15.06.2021

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents. However, he concedes that similarly placed co-accused has been granted bail by a Co-ordinate Bench.

Having regard to the facts and circumstances and submissions made on behalf of the petitioner and considering the fact that charge-sheet has been submitted in this case and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 164 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit in this case.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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