

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9876 of 2022**

Arising Out of PS. Case No.-86 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Md. Aftab Son of Md. Shahmud @ Md. Sahmud Alam Resident of Village-
Bangra Banshidhar, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Bharat Lal, APP

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

2 09-06-2022 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 two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Sadar P.S.
Case No. 86 of 2021 registered for the offence under Section
392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 08.07.2021.

The name of the petitioner surfaced in the present
case on the confessional statement of co-accused, namely, Md.
Nehal @ Ayan apprehended in Sadar P.S. Case No. 257 of 2021.

The allegation against the petitioner is to commit
robbery and while committing so, taken away the motorcycle
bearing Registration no. BR 06 BS 3674 and other valuables



belonging to the informant.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner has been surfaced on the basis of confessional statement, leading to no recovery, which may connect the petitioner with the present case. It has also been submitted that no T.I.P. has been conducted. While arguing over the matter, it has further been submitted that petitioner is on bail in all three cases mentioned in paragraph no.3 of the bail petition.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as the name of the petitioner has been surfaced on the basis of confessional statement of co-accused, leading to no recovery, let the petitioner, above named, is directed to be released on bail in connection with Sadar P.S. Case No. 86 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 Chief Judicial Magistrate, Mazaffarpur, subject to the following conditions:

“(i) That accused/petitioner shall



not involve in the similar nature of offence till the conclusion of trial, failing 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 properly represented 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 duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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