

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10867 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- BALRAMPUR District- Katihar

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Md. Mustakim Son of Late Sk. Mahabli Resident of Village- Kanaila,
Ranpatra, P.S.- Sadar Mufasil, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Qaisar Hasan

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 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 a period
of four weeks from today.

The petitioner seeks bail in connection with
Balrampur P.S. Case No. 99 of 2021 registered for the offence
under Sections 395 and 397 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 06.08.2021.

The allegation against the petitioner is to commit
dacoity in the house of the informant alongwith other co-
accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced in the present



case on the basis of self confession while apprehending in Balrampur (Telta O.P.) P.S. Case No. 123 of 2021. It has further been submitted that nothing incriminating has been recovered from the conscious physical possession of the petitioner and also T.I.P. has not been conducted. While concluding the argument, it has also been submitted that petitioner is on bail in three out of four cases as mentioned in paragraph no.3 of the bail petition and also chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the basis of self confession, leading to no recovery coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Balrampur P.S. Case No. 99 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 Additional Chief Judicial Magistrate-VI, Katihar, 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 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 only duly supported by the documents.

(iii) That one of the bailors shall be Mohammad Nayyer Alam, son of the petitioner, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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