

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13514 of 2022

Arising Out of PS. Case No.-167 Year-2020 Thana- LAURIA District- West Champaran

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Ali Hassan @ Mukhiya Son of Chingi Miyan Resident of Village- Sirisia-
Belwa, P.S.- Sathi, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Zainul Abedin, Advocate.

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 20-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Lauriya P.S. Case No. 167 of 2020 lodged under Section 392 of
the Indian Penal Code.

As per the prosecution case, when the informant was
going to deposit money to the State Bank in the evening at 4
P.M., three unknown persons on motorcycle surrounded him and
looted Rs.98,000/-.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. His name has figured in this
case due to confessional statement of co-accused. He further
submits that the antecedent of the present petitioner is not clean
and there are 12 criminal cases against him out of which in 9

cases he is on bail and in rest others he is seeking bail before the different courts. He further submits that neither any incriminating article has been recovered from the possession of the petitioner nor T.I.P. has been conducted. He further submits that petitioner is ready to file an affidavit that he shall not involve in criminal activities in future. He also submits that the police has intentionally used to put his name in criminal cases because he has criminal antecedent. Petitioner is in custody since 18.02.2021. Learned counsel for the petitioner further submits that co-accused of this case, namely, Darhi Mian @ Yogi Mian @ Jogi Mian has been granted bail by the Co-ordinate Bench of this Court vide order dated 11.04.2022 passed in Cr. Misc. No.59286 of 2021.

Learned counsel for the State opposes the prayer for bail and draws the attention of this Court to criminal antecedent.

In the present facts and circumstances of this case, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 167 of 2020, subject to the conditions as laid down under Section 437(2) of Cr.P.C.

The petitioner is directed to file an affidavit before the Trial Court that he shall not involve in any criminal activity in future otherwise the prosecution is at liberty to move for cancellation of his bail bond. It is also directed that he shall appear on each and every date before the Trial Court, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond. If he shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of his bail bond.

Accordingly, the bail application stands allowed.

(Dr. Anshuman, J.)

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