

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13681 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- MAHUA District- Vaishali

MD. PRINCE @ SARFARAJ @ RAJA S/o Md. Ayub R/o village-
Hathsarganj, P.S.- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for 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 regular bail in connection with
Mahua P.S. Case No. 123 of 2021 for the offence punishable
under Section 395 of the Indian Penal Code.

As per the allegation made in the F.I.R., five unknown
miscreants have looted the motorcycle of the informant.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in the present case. He further submits that the name
of the petitioner has surfaced in this case on the basis of



confessional statement made before the police in police custody in connection with Mahua P.S. Case No. 215 of 2021 and confessional statement made before the police in police custody has no evidentiary value in the eye of law. Nothing has been recovered from conscious possession of the petitioner. Petitioner is in custody since 08.10.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering nature of allegation made in the F.I.R. and period of custody undergone by the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali at Hajipur in connection with Mahua P.S. Case No. 123 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The petitioner will make his attendance before the concerned police station under which his house is located every week at 9 AM on Saturday till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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