

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14468 of 2022

Arising Out of PS. Case No.-357 Year-2021 Thana- KORHA District- Katihar

MD. MAZHAR S/o Late Farooque R/o village- Bakhri, P.S.- K. Nagar,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh

For the Opposite Party/s : Ms.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State
through video conferencing.

Petitioner seeks regular bail in a case registered for the
offence punishable under section 392 of the Indian Penal Code.

As per allegation four accused persons arriving at
motorcycle stopped the informant when he was returning to his home
after completing his business, thereafter informant's motorcycle and
Rs 20,000/- were looted by the accused persons by putting him in
fear by showing arms.

The main submissions advanced by the learned counsel
for the petitioner are that one co-accused Mithlesh Kumar Yadav has
been considered regular bail by this court vide Cr. Misc. no.



13640/2022 and petitioner is not named in the FIR and he was remanded in the present case in the confessional statement given before the police and he has been languishing in jail since 16.8.2021.

Learned APP has opposed the prayer for bail and submitted that alleged occurrence was committed by the petitioner and co-accused persons in respect of motorcycle and some cash of the informant.

Heard both sides and perused the FIR. Petitioner has mainly taken the plea that the prosecution is merely relying upon his statement given before the police in respect of his involvement in the present case except this there is no material against petitioner to connect him with the alleged crime and during course of custody, he was not put on TI parade and recovery of alleged motorcycle or money was not made from his possession after he was taken into custody and the order of the learned court below shows that the prosecution is mainly relying on the statement of the petitioner in order to connect him with the alleged occurrence and except that there is no material against him and he has been languishing in jail since 16.8.2021. Accordingly, in light of these facts, petitioner deserves privilege of bail. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar in Korha P.S. Case no. 357/2021 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Korha P.S. Case no. 360/2021 and Korha P.S. Case no. 307/2021 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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