

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17093 of 2022

Arising Out of PS. Case No.-481 Year-2019 Thana- BAGHA District- West Champaran

Ali Hassan @ Mukhiya, Son Of Chingi Miyan, Resident Of Vill- Sirisia
Belwa, P.S- Sathi, Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bagaha (Pathkhauli) P.S. Case No. 481 of 2019, registered for the alleged offences under Section 392 of the Indian Penal Code.

As per the prosecution case, two miscreants looted Rs.8,88,000/- from the informant on gunpoint. Later on, the name of the petitioner transpired as one of the co-accused persons, who was involved in the alleged loot.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated



in this case as the petitioner has been contesting the election of Mukhiya and for that reason he has been made accused in a number of cases apart from the present case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. He has been named in this case only on the basis of suspicion and on confessional statement of co-accused. The charge sheet has been submitted in this case and the petitioner is in custody since 19.07.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and has been named as an accused in a number of cases.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the fact that there was no recovery from this petitioner or at his instance and also considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran, in connection with Bagaha (Pathkhauli) P.S. Case No. 481 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Nurhasan Miyan, brother of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

However, apart from the criminal antecedents mentioned in the bail petition wherein altogether other twelve cases have been mentioned, if it comes to the knowledge of the learned court below that the petitioner has been also made accused in some other cases and criminal antecedent has been concealed, proper steps will be taken for cancellation of bail bond of the petitioner.

(Arun Kumar Jha, J)

V.K.Pandey/-

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