

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22815 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- JOKIHAT District- Araria

Md. Murshid Son Of Late Alim R/O Village- Rajwakol, P.S.- Mahalgoan
(Jokihat), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Advocate.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. N. A. Shamsi, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Jokihat (Mahalgaon) P. S. Case No. 218 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the informant was going on his motorcycle, in the meantime, two miscreants riding on a motorcycle surrounded him and



snatched the bag of the informant due to which the informant fell down from his motorcycle and the miscreants ran away with the motorcycle of the informant.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against three unknown miscreants, however, the petitioner was remanded in this case on 20.11.2021 when he was arrested in connection with Jokihat (Mahalgaon) P. S. Case No. 336 of 2021. It is further submitted that neither any incriminating material has been recovered from the person or possession of this petitioner nor he has been put on T.I.P., though he is in custody since 20.11.2021. It is next submitted that save and except the suspicion and his self confession, there is no other material against the petitioner. He also pointed out that on account of inadvertence, the learned court below has pointed out that the petitioner is found accused in six criminal cases, however, which is an error of record and in fact, the petitioner has three criminal antecedent, as has been mentioned in paragraph 3 to this application.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation, the complicity of the petitioner has transpired.



Having considered the submissions made on behalf of the parties and taking into account the fact that the F.I.R. has been instituted against unknown persons and on the basis of suspicion, the petitioner has been remanded in this case and moreover, neither any incriminating material has been recovered from his person or possession nor he has been put on T.I.P., let the petitioner, above named, be released on 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, Araria in connection with Jokihat (Mahalgaon) P. S. Case No. 218 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will



liable to be cancelled.

- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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