

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27679 of 2022

Arising Out of PS. Case No.-97 Year-2017 Thana- LAUKAHI District- Madhubani

MD. ISMAIL SON OF LATE SULEMAN R/O VILLAGE- BELAS NAGAR,
P.S.- NIRMALI, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-08-2022 Heard Mr. Ratanakar Jha, learned counsel for the

petitioner and Mr. Anil Kumar Singh No.1, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Laukahi P.S. Case No. 97 of 2017 registered for the offence
punishable under Section 392 of the Indian Penal Code.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
15.01.2021 passed in Cr. Misc. 26538 of 2020 with liberty to
renew his prayer for grant of regular bail after six months.

The allegation as per the First Information Report is
that two persons riding on a Motorcycle wearing Helmet
intercepted the informant and fled away along with 5,00,000/-



rupees kept in the Dickey. The First Information Report is against unknown.

Learned counsel for the petitioner submits that the petitioner is in custody since 25.11.2019 i.e. for about more than two and half years. He further submits that the charge against the petitioner has been framed under Section 392 of the Indian Penal Code which is triable by Magistrate.

This Court vide order dated 22.06.2022 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned Sub Divisional Judicial Magistrate, Jhanjharpur, dated 27.7.2022, is on record and from perusal of the same, it appears that out of eleven prosecution witnesses, six witnesses are yet to be examined.

Taking into consideration the period of custody and the fact that this is second attempt for grant of regular bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Jhanjharpur, in connection with Laukahi P.S. Case



No. 97 of 2017 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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