

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 38446 of 2021**

Arising Out of PS. Case No.-652 Year-2020 Thana- SUPAUL District- Supaul

MD SAMIM Son of Md. Yunus Resident of Village - Nunupatti, P.S. and District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Nafisuzzoha, Advocate

For the Opposite Party/s : Mr Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **30-05-2022** Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner apprehends arrest in Supaul Police Station (for brevity, *PS*) Case No 652 of 2020 dated 16.09.2020 registered for the offence punishable under Sections 399, 402, 411, 414 of Indian Penal Code.

The informant has received intimation regarding planning to commit dacoity. Thereafter, he proceeded to the place of assembly. Two, out of six persons at the place, were apprehended and others have succeeded in fleeing away, as per the allegation. One stolen motorcycle has also been recovered from the place. Petitioner has been named by the two



apprehended persons as one out of the four, who have fled away.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and his implication is based only on statement of a co-accused. Such implication does not inspire any confidence and is based on extraneous considerations. There is no recovery of any stolen article from the petitioner or his house. Petitioner claims to be a victim of false implication.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, the fact that there is no recovery of any incriminating material, even as per prosecution case and his clean antecedent, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, in the event of his arrest or surrender within four weeks from today, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in Supaul PS Case No 652 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

- (i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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