

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40682 of 2021**

Arising Out of PS. Case No.-1227 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Bittu Kumar @ Baittu Sahani Son Of Garib Nath Sahani Resident Of Village-
Jhapahan @ Jhapahan Dih, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 14-02-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Gulnar Begum, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Ahiyapur P.S. Case No. 1227 of 2019 registered for the offence punishable under Section 392 of the Indian Penal Code. The petitioner is in custody since 23.06.2020. He has 5 criminal antecedents as stated in paragraph '3'.

Learned counsel for the petitioner submits that the first information report is against unknown. As per the allegations, when the informant was passing through Jhapha overbridge, one blue colour Glamour motorcycle came in front of him and a person pointed a gun on his head whereafter the informant was brought down from the motorcycle and his key and bag were snatched. The



bag was containing a sum of Rs. 1,65,000/- and one mobile having two SIMs. The miscreants fled away towards the Southern side. He disclosed that three persons were riding on the motorcycle.

Learned counsel for the petitioner submits that this petitioner has been taken on remand in the present case on 23.06.2020 only on the basis of a subsequent statement of a witness saying that this petitioner was standing near the place of occurrence.

Learned counsel submits that the said witness has been brought in the case diary at a much subsequent stage, the fact remains that the informant has not identified the petitioner, till date no test identification parade has been conducted and no incriminating article has been recovered from possession of the petitioner. The petitioner has got five criminal antecedents as stated in paragraph '3' and he is on bail in four cases out of five. So far as this case is concerned, the petitioner has remained in custody for over one and half year, investigation against him is complete and the trial is not likely to be concluded in near future.

Learned APP for the State has, however, opposed the prayer for bail of the petitioner but considering the entire facts and circumstances wherein this petitioner is not named and further that till date no test identification parade has been conducted, no incriminating material has been found from his possession and that the petitioner is in custody for one year and eight months approximately, this Court directs release of the petitioner above



named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-12th, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1227 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that 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 cancellation 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

