

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30057 of 2022

Arising Out of PS. Case No.-213 Year-2019 Thana- AMAS District- Gaya

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RIZU KHAN@ RIZWAN KHAN Son of Taukir Khan Resident of Village -
Aminabad, P.s.- Sherghati, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-11-2022 Heard Mr. Paras Nath, learned counsel appearing on

behalf of the petitioner and Mr. Ajit Kumar, learned A.P.P. for

the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Amas P.S. Case No. 213 of 2019, for the offence punishable
under Section 395 of the Indian Penal Code.

The accusation is that some unknown miscreants,
including the petitioner, on the point of pistol, snatched Rs.
6,600/- from the possession of Nozzle man of Raj Fuel Station
situated under the Sherghati Police Station.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is not named in the F.I.R. and he is in
custody since 26.02.2020, but he has not been put on T.I.P. till



date. Nothing has been recovered from his conscious possession or from his house.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and nature of allegation made against the petitioner. The petitioner is in custody since 26.02.2020 merely on suspicion and law is well settled in this regard that a strong suspicion, howsoever, cannot take the place of proof and for suspicion an under-trial cannot be kept behind the bar, even after completion of investigation. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate, Sherghati, Gaya in connection with Amas P.S. Case No. 213 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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