

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40937 of 2021

Arising Out of PS. Case No.-242 Year-2020 Thana- BAISI District- Purnia

MD. JUNAID @ MD. ZUNAID Son of Late Molvi Muzaffar Resident of
Village - Bairya, P.S.- Baisi, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48360 of 2021

Arising Out of PS. Case No.-242 Year-2020 Thana- BAISI District- Purnia

MIRZA RAFUKUL, Son of Mirza Najrul Resident of Village - Milki Mirza
Para, Bhebanipur, P.S. - English Bazar, Dist.- Malada (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40937 of 2021)

For the Petitioner/s : Mr.Kumari Ritambhara

For the Opposite Party/s : Mr.Anil Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 48360 of 2021)

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-02-2022 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the States through Video

Conferencing.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.



Both the Cr. Misc. petitions have arisen out of Baisi P.S. Case No. 242 of 2020, registered for the offences punishable under Section 392 of the Indian Penal Code and accordingly a common order is being passed in both the petitions.

According to prosecution case is that the informant who works with the LNT Financial Services as filed officer was returning to Baisi Branch after collection of payment of instalments of loans in cash, one bio metric machine and some other documents in blue bag on his motorcycle. When he reached near margina chowk, one Appachi motorcycle without number plate overtake him on which two persons were sitting. Accused sitting at the back of motorcycle hit him with the butt of pistol and snatched his bag and gave it to the driver accused and than took out his Oppo mobile and fled away and thereafter Branch Manager informed the police.

Learned counsel for the petitioners submits that petitioner, Md. Junaid in Cr. Misc. No. 40937 of 2021 has clean antecedent and petitioner, Mirza Rafukul, has a criminal antecedent and they have falsely been implicated in the present case. Learned counsel submits that the petitioners are not named in the FIR and their name came only on the basis of



confessional statement of co-accused, namely, Mirza Rafikul (petitioner in Cr. Misc. No.48360 of 2021). He further submits that on confessional statement, one loaded bio metric machine was recovered from the possession of the house of the petitioner, Md. Junaid and nothing has been recovered from the possession of the co-accused, Mirza Fafukul (petitioner in Cr. Misc. No.48360 of 2021). Learned counsel further submits that police after investigation submitted the chargesheet against the petitioners and other co-accused persons. It is further submitted by learned counsel for the petitioners that Md. Junaid is in custody since 19.01.2021 and Mirza Rafikul is in custody since 13.10.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner, Md. Junaid in Cr. Misc. No. 40937 of 2021 has clean antecedent and petitioner, Mirza Rafukul (petitioner in Cr. Misc. No.48360 of 2021), carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioners in both the Cr. Misc. petitions, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Purnea



(In-charge C.J.M., Purnea) in connection with Baisi P.S. Case No. 242 of 2020, subject to the following conditions:-

1. One of the bailors must be family member of petitioners.

2. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

3. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

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(Rajesh Kumar Verma, J)

