

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31971 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- CHHATAPUR District- Supaul

1. Md. Mukhtar S/o Md. Sagir Resident of Village- Fulkaha, Ward No. 17, P.S. - Jadya, District - supaul.
2. Md. Juber S/o Late Imamuddin Resident of Village- Fulkaha, Ward No. 21, P.S. - Jadya, District - supaul.
3. Md. Sakil S/o Md. Hasan Resident of Village - Narpatganj, Ward No. 14, P.S. - Narpatganj, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Section 392 of the Indian Penal Code.

According to prosecution case, the informant is an employee of Komal Agency, Chhatapur for last ten years. He reached near Bharatpur Road east of Jhunki Chowk, on 04.08.2021 after supplying medicine and collecting cash from



different places than four motorcycle-borne miscreants on two motorcycles came from east direction screening their faces caused to be stopped a Tempo in front of his pick up van and on point of pistol took bag and cash kept in his pocket and fled away with total cash Rs.2,51,273/-.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the petitioner are not named in the F.I.R. and the name of the petitioners have been transpired on the basis of self confessional statement of the petitioners. He further submits that till date no TIP has been conducted by the prosecution and no incriminating article has been recovered from the conscious possession of the petitioners and except the confessional statement of the petitioners nothing has come during investigation against these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 23.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 has three criminal antecedents and petitioner no.2 has four criminal antecedents and petitioner no.3



has five criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, 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 Court below where the case is pending in connection with Chhatapur P.S. Case No. 270 of 2021, subject to the following conditions:-

1. 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.

2. 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.

(Rajesh Kumar Verma, J)

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