

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42399 of 2021**

Arising Out of PS. Case No.-492 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

MD. ASAD @ MD. LAKHIYA @ TINLAKHIYA Son of Md. Mukhtar
Resident of Village - Mansurchak, Navtolia, P.S.- Ballia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate.
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 24-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and 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, who is in custody since 07.01.2021,
seeks regular bail in connection with Begusarai Muffasil P.S.
Case No. 492 of 2019 for the offence punishable under Section
392 of the Indian Penal Code.

The prosecution case, in brief, is that when the
informant was returning from Sahebpur Kamal to his home at
Begusarai, at about 10 PM, when he reached near Iniar Dhala,
three motorcycle borne criminals came there and took the key of
his motorcycle. The accused persons on the point of pistol



snatched his personal belongings including ATM card, mobile phone and cash.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He is not named in the F.I.R. The name of the petitioner surfaced in the case on the basis of confessional statement of co-accused Hussain Khalifa made in connection with Ballia P.S. Case No. 375 of 2020. The petitioner has been roped in this case because he has been made accused in several other cases. Nothing has been recovered from the possession of the petitioner. Petitioner is in custody since 07.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the aforementioned facts and circumstances of the case, nothing has been recovered from the possession of the petitioner and the fact that the person who has taken the name of the petitioner and from whose possession said mobile phone was recovered has not been made accused in this case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class,



Begusarai in connection with Begusarai Muffasil P.S. Case No. 492 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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