

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47582 of 2021

Arising Out of PS. Case No.-35 Year-2019 Thana- PAHARKATTA District- Kishanganj

MD. ALAM S/o Late Kalimuddin Resident of Village- Panasi Kumharbhita,
Panashi Hat, P.S.- Paharkatta, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 08-04-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 10.12.2019, seeks
regular bail in connection with Paharkatta P.S. Case No. 35 of
2019 dated 05.05.2019 registered for offences punishable under
Section 392 of the Indian Penal Code.

Prosecution story in brief is that in course of
investigation, co-accused Noor Hussain has confessed his guilt
and he has taken the name of the petitioner to be one of the
accused.

Learned counsel appearing on behalf of the petitioner



submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Though no specific statement has been made denying the fact that petitioner has no connection with the accused Noor Hussain, on whose confessional statement petitioner has been dragged in the present case. Admitting the said fact, learned counsel for the petitioner submits that as per his instruction, petitioner is not even remotely connected with the accused Noor Hussain. Petitioner is in custody since 10.12.2019.

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

Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, without going into the merits of the case, the petitioner above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, I, Kishanganj in connection with Paharkatta P.S. Case No. 35 of 2019 dated 05.05.2019 subject to the following conditions:

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



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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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