

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43945 of 2021

Arising Out of PS. Case No.-992 Year-2020 Thana- ARARIA District- Araria

MD.IZHAR @ KARE @ IZHAR @ IZHAR ALAM, S/o Md. Varik @ Varik,
Resident of Village- Hadiya Bara Ward No.9, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Araria P.S. Case No.992 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code. He is in custody since 03.06.2021. The petitioner has got no criminal antecedent.

As per the prosecution story, three unknown criminals looted away cash of Rs.5,58,000/- and mobile phone of the informant while he was going on his bullet motorcycle.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused Md. Abid and the said Md. Abid has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.25280 of 2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the name of the petitioner has transpired in the confessional statement of the co-accused Md. Abid, the said Md. Abid has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.25280 of 2021, so far as the present petitioner is concerned, till date he has not been subjected to any T.I.P. nor any incriminating article has been recovered from his possession, investigation against him is complete and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Araria P.S. Case No.992 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.



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

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

