

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34102 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BARSOI District- Katihar

AKHTAR @ MD AKHTAR Son of Samsul Resident of Village- Barargaon,
P.S- Balrampur, District- Katihar,

... .. Petitioner/s

Versus

THE STATE OF BIHAR

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazher Alam, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

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

The case is registered under Sections 395 and 397 of
the Indian Penal Code in connection with Barsoi P.S. Case
No.44 of 2022.

As per the FIR, the accused persons barged into the
house of the informant and after tying his hand, it is alleged that
they broke open Almirah and looted the cash, gold and silver
jewellery. Before leaving, they also snatched jewellery from the
female family members.

Learned counsel for the petitioner submits that he has
falsely been implicated on the basis of confessional statement
made by co-accused Sushil Mochi before the police. It is his



further submission that although he was remanded into this case on 06.04.2022 no T.I. Parade has been done.

Taking into account the fact that his name has come up in the confessional statement, is in custody since 06.04.2022, no TI Parade has been done and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail after framing of charges in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Barsoi P.S. Case No.44 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Katihar, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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