

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43599 of 2021**

Arising Out of PS. Case No.-65 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

MD. IMTIYAJ S/O MD. ISLAM R/O VILLAGE-KHARIYAR, P.S-
BARAHAT, DISTRICT-BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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

2 01-02-2022 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 28.01.2021,
seeks regular bail in connection with Kotwali (Tilkamanjhi) P.S.
Case No. 65 of 2021, for the offence punishable under Sections
379 and 411/34 of the Indian Penal Code.

The prosecution case, in brief, is that on
27.01.2021, at about 14.00 hrs. the informant was going to his
home, in the way, near Koyladepo bus stand, Bhagalpur, two
accused persons snatched his mobile phone and started fleeing.
Thereafter, informant chased the accused persons, who were



apprehended by local people. On query, the apprehended persons disclosed their names as Md. Azad and Md. Imtiyaj (Petitioner) and on search the mobile of the informant was recovered from the pocket of the petitioner, whereas from the pocket of accused Md. Azad another mobile was recovered.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case mere on suspicion. He further submits that, in fact, the alleged mobile was lying on the ground and petitioner picked up the same from the ground and he has no intention to keep the same, rather, he wanted to hand it over to the concerned persons, but, in the meantime, he was apprehended.

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

Considering the above mentioned facts and circumstances of the case, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 65 of 2021, 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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