

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35199 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- BIHARIGANJ District- Madhepura

1. MD. MUKHTAR S/o Md. Samir @ Sagir @ Md. Sagir Resident of Village - Fulkaha, Ward No. 17, P.S. Jadia, District - Supaul.
2. Md. Juber S/o Md. Imamul Resident of Village - Fulkaha, Ward No. 17, P.S. Jadia, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Bihariganj P.S. Case No. 127 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per prosecution case, on 11.06.2021 the informant alongwith his companion Ravi Kumar was returning after collecting cash from different places, in the meantime two miscreants on Apache motorcycle without number plate overtook and stopped them and on gun point the miscreants



looted the collected money amounting to Rs. 3,99,400/, two S.B.I. Cheques amounting to Rs. 20,000/- and one mobile and fled away towards Murliganj. Hence, the FIR has been lodged against unknown.

Learned counsel for the petitioners submits that petitioners are not named in the FIR. He further submits that petitioner no. 1 was arrested in Raghapur P.S. Case No. 157 of 2021 and petitioner no. 2 was arrested in Raghapur P.S. Case No. 209 of 2021 in which their confessional statements were recorded and they have been remanded in the present case. Learned counsel further submits that petitioners bear criminal antecedent of six cases in which five cases have been registered against unknown miscreants. Nothing has been recovered from possession of the petitioners. Petitioners have not been put on TIP to ascertain their implication in the present case. He further submits that except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioners with the alleged occurrence. Petitioners are in custody since 07.01.2022. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently



opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners be released on bail **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Udakishanganj in connection with Bihariganj P.S. Case No. 127 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioners shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall



continue in operating condition till disposal of the case and they shall get their presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioners shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioners violate any of the conditions, the court below is at liberty to cancel the bail bond of the petitioners.

(Alok Kumar Pandey, J)

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