

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44922 of 2021**

Arising Out of PS. Case No.-348 Year-2020 Thana- KRITYANAND NAGAR District-
Purnia

MD. TOUSIF ALAM, Son of - Md. Matique Alam, Resident of - Lalgan
Milky, P.S. - Marang, District - Purnea, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Advocate

Ms. Preety Kunwar, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-02-2022 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 Senior Counsel for the petitioner and Mr. Md. Mushtaque Alam, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with K. Nagar P.S. Case No. 348 of 2020 registered for the offences punishable under Sections 392 of the Indian Penal Code. He is in custody since 25.02.2021. The petitioner has got one criminal antecedent in which he is on bail.

Learned Senior Counsel for the petitioner submits that as per the prosecution story, while the informant was on way through his motorcycle keeping a bag containing cash Rs. 45070/-, Tab Machine and a Register was snatched away by three miscreants on



the point of weapon.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 25.02.2021.

Learned Senior Counsel submits that the petitioner is not named in the F.I.R., his name has transpired in the confessional statement of co-accused Md. Javed Alam and the said Md. Javed Alam from whose possession the motorcycle and cash were recovered has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 41282 of 2021

It is further submitted that the presence of the petitioner may be secured in course of trial

Mr. Md. Mushtaque Alam, 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 petitioner is not named in the F.I.R., his name has transpired in the confessional statement of co-accused Md. Javed Alam and it was said Md. Javed Alam from whose possession the motorcycle and cash were recovered and he has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 41282 of 2021, the petitioner has got one criminal antecedent in which he is on bail, in connection with this case he is in custody since 25.02.2021, 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 Chief Judicial Magistrate, Purnea in connection with K. Nagar P.S. Case No. 348 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that one of the bailors would be the permanent resident of the State of Bihar having sufficient means.

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)

vats/-

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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'.

