

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36847 of 2022

Arising Out of PS. Case No.-209 Year-2022 Thana- FORBESGANJ District- Araria

Md. Eido @ Md. Eid @ Eid Mohamad @ Eid Mohammad Son of Md. Abbas
Residen of village - Khajurbari, Ward No.- 13, P.S. - Jogbani, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove
the defect(s), as pointed out by the office, if any, within a period of
four weeks from today.

Petitioner seeks bail in a case registered for the offences
punishable under Section 392 of the Indian Penal Code and further
added Section 412 of the Indian Penal Code.

According to prosecution case, on 26.02.2022, when the
informant was going from his shop where his son Prince Kumar and
staffs were present in the shop, two miscreants entered into shop and
on gun point causing life danger has looted away Rs. 30,000/- from
cash counter and Rs. 40,000/- from cash chamber and fled away.

Learned counsel for the petitioner submits that petitioner
is innocent and he has falsely been implicated in the present case. He



further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of self confessional statement of the petitioner and on the basis of C.C.T.V. footage. He further submits that till date no T.I.P. was conducted by the prosecution and nothing incriminating article has been recovered from the possession of the petitioner rather the recovery has been made from the house of the petitioner. He further submits that the same amount and mobile phone belongs to the petitioner and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Santosh Kumar Das has been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2022 passed in Cr. Misc. No. 29350 of 2022. The petitioner is in custody since 06.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries three criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Forbesganj P.S. Case No. 209 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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