

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37821 of 2022**

Arising Out of PS. Case No.-147 Year-2017 Thana- BABUBARHI District- Madhubani

Md. Izaraya @ Ajjo S/O Late Birkha Mian, Resident Of Village- Majhani,

P.S.- Nirmal, District- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

3 22-11-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Babubarhi P.S. Case No. 147 of 2017 lodged under Sections
392/34 of the I.P.C.

As per prosecution case, the informant is a salesman
of one Neha Telecom. After collecting sale price, he went to
Mirzapur and from there upon collecting money, he was
returning as soon as he reached near Salkhaniya Ghat then two
motorcyclist chased and stopped him and on the point of pistol
they have forcefully taken the key of the motorcycle and taken

money amounting Rs.32,000/- and 20 mobile sets worth Rs.1,22,171/-. Informant has provided the IMEI number of all 20 mobile sets which were looted from his possession.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that the present case has been filed against unknown criminals and nothing was recovered from the possession of the petitioner. He further submits that petitioner is in custody since 21.02.2022 and charge sheet has already been filed in this case. Counsel further submits that there are 23 cases pending against the present petitioner. Counsel orally submits that out of 23 cases, as per his information petitioner has been acquitted in 12 cases, in 6 cases petitioner is on bail and in rest cases he is persuading for bail. Learned counsel further submits that due to the criminal antecedent of the petitioner, his name has figured in this case. Learned counsel further submits that the other co-accused, who has disclosed the name of the petitioner in the confession and from whose possession one of the looted mobile was recovered, has been granted bail by the Co-ordinate Bench of this Court vide order dated 17.01.2018 passed in Cr. Misc. No. 61158 of 2017.

Learned counsel for the State opposes the prayer for

bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge, Madhubani in connection with Babubarhi P.S. Case No. 147 of 2017, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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