

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49363 of 2021**

Arising Out of PS. Case No.-15 Year-2020 Thana- BABUBARHI District- Madhubani

Md. Chand, S/o Md. Ali @ Ali, R/o village- Bhakua, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      25-07-2022              Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Subhash Kumar Jha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Babubarhi P.S. Case No. 15 of 2020 registered for the offences punishable under Sections 379, 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that some unknown miscreants looted the motorcycle and bag of the informant containing mobile phone and cash of Rs.5020/-. It is further alleged that on protest being made firing has been made by the miscreants.



Learned counsel for the petitioner submits that the F.I.R. has been instituted against unknown persons, however, during investigation, the petitioner was arrested in connection with Khajauli P.S. case no. 15 of 2020 and thereupon he was remanded in the present case and he is in custody since 02.05.2020. It is next submitted that the name of the petitioner, in fact, transpired on his own confessional statement and also on the confession of co-accused. It is next submitted that on the confession made by the petitioner looted mobile phone is said to have been recovered from his possession, however, neither the petitioner nor the looted mobile has been put on T.I.P.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the looted mobile has been recovered on the confession of the petitioner, inasmuch, as there is allegation that the miscreants fired upon the informant.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 02.05.2020 and moreover neither the petitioner nor the looted mobile has been put on TIP, apart from the fact that he is on bail in all the four cases, as has been mentioned in para. 3 of the petition, let the petitioner, named above, be



released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Madhubani in connection with Babubarhi P.S. Case No. 15 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

**(Harish Kumar, J)**

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