

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57939 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- BAISI District- Purnia

Abdul Mannan @ Rabbani Son of Abdul Khalique Resident of Chhatiyani Pokhariya, P.S.- Baisi, District- Purnia.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 395 of the Indian Penal Code but the charge sheet has been submitted under Section 395, 397, 400, 402, 412 and 120(B) of the Indian Penal Code.

According to prosecution case, on 11.07.2020 in the night, the informant slept after having meal. On 12.07.2020 at 00.10 hrs. he woke up on the voice of this father. When the informant opened the door 5-6 miscreants caught hold him and make him sit with his father after tie down his hands and legs. Then the miscreants tied his wife and child also. the miscreant



looted cash of Rs.22,000/- and ornaments of gold and silver and a mobile of VIVO company. The miscreants were in 8-10 in members and of age group of 25-35. Some of them were tall, one of them was short in height and having big tummy. Some of them were normal height and fitness. After committing loot the miscreants locked the door from outside.

Learned counsel for the petitioner submits that petitioner is innocent and petitioner is not named in the F.I.R. and he has falsely been implicated in the present case only on the basis of information given by the spy. He further submits that the recovered articles are belong to the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.07.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent 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 Baisi P.S. Case No. 168 of 2020, 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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