

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58058 of 2021**

Arising Out of PS. Case No.-97 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

IRSAD ALAM @ MITHU Son of Late Saheb Husain Resident of Village -  
Nagra O.P., P.S.- Khaira, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Udai Shankar Singh, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      02-02-2022                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Chapra Muffasil P.S. Case No. 97 of 2021 corresponding to S.Tr. No. 347 of 2021 registered for the offence under Sections 399, 402, 413 and 414 of the Indian Penal Code.

The case relates to recovery of knife, motorcycle and mobiles from the possession of the apprehended persons.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the petitioner happens to be a shop keeper of biscuits and bakery and while he was returning to his home, the police on the basis of suspicion apprehend him. Nothing incriminating has been recovered from the conscious possession of the petitioner. No occurrence has been committed by the petitioner. Moreover, the co-accused, Anjit Kumar Sah @ Munib and Rupesh Kumar Yadav having more or less similar allegation have already been granted bail by this Court vide order dated 06.12.2021 and 07.12.2021 passed in Cr. Misc. No. 36731 of 2021 and Cr. Misc. No.37365 of 2021 respectively. The petitioner is rotting in judicial custody since 07.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.D.J.-V, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 97 of 2021 corresponding to S.T. No. 347 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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