

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48653 of 2022**

Arising Out of PS. Case No.-138 Year-2021 Thana- BIHARIGANJ District- Madhepura

Md. Mukhtar Son of Samir @ Sagir @ Md. Sagir Resident of Village -
Fulkaha Ward No.- 17, P.S.- Jadia, District - Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the
defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr.
Nagendra Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bihariganj P.S. Case No. 138 of 2021 registered
for the offences punishable under Section 394 of the Indian
Penal Code read with Section 27 of the Arms Act. He is in
custody since 02.11.2021. The petitioner has got four criminal
antecedents.

Learned counsel for the petitioner submits that as per
the prosecution story, on 27.06.2021 at 05:30 P.M. while the
informant was going to Madhepura on motorcycle, at Murliganj
Chour four miscreants on two Pulser motorcycles came there



and fired on him which caused injury on his elbow of right hand. Thereafter the informant stopped his motorcycle and the miscreants took away his bag containing diary, documents of company and photo copy of documents of vehicle, a mobile phone and key of the vehicle and fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the petitioner is not named in the FIR. It is submitted that the petitioner is in custody in connection with this case since 02.11.2021.

Mr. Nagendra Prasad, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the FIR, he has been taken on remand from Raghapur P.S. Case No. 209 of 2021 on 08.08.2021, no test identification parade has been conducted so far even though he is in custody since 02.11.2021 in this case and that similar situated co-accused Md. Jubair has been granted bail in Cr. Misc. No. 34996 of 2022 vide order dated 16.09.2022, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Udakishanganj in connection with Bihariganj P.S. Case no. 138 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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