

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60405 of 2021**

Arising Out of PS. Case No.-76 Year-2021 Thana- BALIA BELON District- Katihar

Md. Azam Ansari S/O Md. Jalal Ansari R/O Village-Mariya Sihpur, P.S-Balia
Belon, District-Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv

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

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

2 09-02-2022 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 in virtual Court proceeding.

The petitioner seeks bail in connection with Balia Belon P.S.Case No.76 of 2021 registered for the offence under Section 392 of the Indian Penal Code .

The FIR of the occurrence of loot is against unknown.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the seizure list which shows that the stereotype of recovery has shown in the seizure list by



the prosecution. In fact nothing has been recovered from possession of the petitioner. He further submits that till date the petitioner was not put on T.I. Parade. He further submits that the police, after investigation, submitted chargesheet against the petitioner and other accused persons. He further submits that co-accused persons, namely, Md. Ali Raza @ Ali Raza and Md. Shakim have been granted bail by this Court vide order dated 01.02.2022 in Cr. Misc. No.57297 of 2021 and the petitioner is in custody since 17.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 learned Judicial Magistrate 1st Class, Katihar in connection with Balia Belon P.S.Case No.76 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 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.

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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