

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51573 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- NTPC District- Bhagalpur

MD. JUBAIR @ ZAHIR KHAN @ MD. JUBAIR KHAN @ ZAHIR SON
OF MIR BALI SHER RESIDENT OF PURAB TOLA, KAHALGAON,P.S.-
KAHALGAON, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akshaylal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-09-2022 Heard the parties.

Petitioner is an accused in connection with NTPC PS Case No. 18/2021 registered for the offences punishable under Sections 392 IPC. He has renewed his prayer for bail inasmuch as earlier bail application of the petitioner was dismissed as withdrawn *vide* order dated 20.05.2022 passed in Cr. Misc. No. 58792/2021 with an observation that the petitioner may renew his prayer for bail after three months.

As per prosecution case, the informant was accosted by two persons sitting on a motorcycle who snatched a bag containing cash of Rs. 2 Lacs from the informant. The informant has given name of two persons who were on the motorcycle as Md. Chhotu and Sinku @ Md. Ayan Sohel.

Learned counsel for the petitioner submits that the



petitioner is not named in the FIR and his name has transpired on the basis of confessional statement of the co-accused, Chhotu, who has been granted bail by the co-ordinate Bench of this Court *vide* Cr. Misc. No. 23943/2022. Another co-accused, namely, Sinku @ Md. Ayan Sohel has also been granted bail by the co-ordinate Bench of this Court *vide* Cr. Misc. No. 52811/2021. He next submits that the petitioner is in custody since 16.06.2021 and this the second attempt for bail on behalf of the petitioner.

Regards being had to the submissions made by the parties, taking into consideration period of custody and the fact that this is the second attempt for bail on behalf of the petitioner and other co-accused persons have been granted bail by the co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, namely, named above, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with NTPC PS Case No. 18/2021, subject to the following conditions:

- (i) the petitioner will co-operate 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 evidences or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default for two consecutive dates without any cogent reason, his bail bonds will be 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 step for cancelling 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.

(Anil Kumar Sinha, J)

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