

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 62551 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- KISHANGANJ District- Kishanganj

MUKKA @ NOOR ISLAM Son of Chukka @ Sher Mohammad Resident of
Village - Rampur Ruhia, P.S.- Islampur, District - Uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv

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

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

3 09-05-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 392 of the IPC and Section 27 of the Arms Act.

The prosecution case, in short, is that on 24.02.2020 at 4.30 P.M. three persons boarded on a motorcycle, came and stopped the informant Perwez Alam at Khagra over-bridge and snatched the key of motorcycle and threw it away on road, thereon fully confined him and also snatched Rs.5,000/-, jacket, cap and Samsung mobile. On making hue and cry, they started



firing and fled away on Apache motorcycle.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the self-confessional statement of the petitioner. He further submits that in fact the petitioner has been arrested in Kishanganj P.S. Case No.150 of 2020 and he has made confession before the police that he was involved in the present case. He further submits that till date no T.I. Parade has been conducted by the prosecution and no incriminating article has been recovered from possession of the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 27.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries fifteen more cases 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 Court below where the case is pending in connection with Kishanganj P.S. Case No.93 of 2020, 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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