

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65683 of 2021**

Arising Out of PS. Case No.-302 Year-2019 Thana- PHULPARAS District- Madhubani

MD. MUSHATAKIM @ MD. ISHARAFIL Son of Md. Mazid Resident of
Village- Jhanjharpur, P.S.- Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.
For the Opposite Party/s : Mr. Gulnar Begum, APP

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

3 27-04-2022 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.

The petitioner seeks bail in a case registered for the offence under Sections 395 and 397 of the Indian Penal Code.

As per the prosecution case, 10 accused persons with their faces covered are stated to have committed dacoity in the house of the informant. They injured the informant as also his wife and looted various articles as mentioned in the FIR.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been



named in the F.I.R. but merely on the basis of confessional statement of the co-accused, Heera Kumar Paswan, he has been made accused in this case. He further submits that though it is alleged that the informant and his wife have been assaulted by the miscreants including the petitioner but no injury has been found on the vital part of the body of the informant and the same are simple in nature which are said to be caused by hard and blunt substance. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that similarly situated co-accused, namely, Mithun Paswan has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.11.2021 passed in Cr. Misc. No. 22082 of 2021. The petitioner is rotting in judicial custody since 25.01.2021.

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

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 Court below where the case is pending in connection with Phulparas P.S. Case



No. 302 of 2019 corresponding to G.R. No. 1226 of 2019 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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