

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65422 of 2021

Arising Out of PS. Case No.-152 Year-2021 Thana- JHANJHARPUR District- Madhubani

Md. Arif Hussain @ Arif Hussain S/o- Md. Faruk R/o Village- Islampur, ward
No. -16, P.S.- Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Jhanjharpur (A.S.O.R) P.S. Case No. 152 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per the prosecution case, two miscreants looted Rs.4,93,806/- from a branch of L&T Finance Company Limited on gun point.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Nothing



incriminating has been recovered from the conscious possession of the petitioner. He has been named in this case on the basis of confessional statement of the co-accused with whom he has no concern. The petitioner is not put to any Test Identification Parade to ascertain his identity as one of the accused persons. Though the petitioner is accused in 12 other cases, but he is on bail in 11 such cases. The petitioner is in custody since 22.06.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in altogether 12 cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner who was not put to any Test Identification Parade and further considering his period of custody and submission of charge-sheet, the petitioner above named is directed to 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 learned Additional Chief Judicial Magistrate-I, Jhanjharpur at Madhubani in connection with Jhanjharpur (A.S.O.R) P.S. Case No. 152 of 2021, subject to the conditions mentioned in Section



437(3) of the Cr.P.C. and the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Najama Khatoon, phua of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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