

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65715 of 2021

Arising Out of PS. Case No.-419 Year-2021 Thana- MUFFASIL District- West Champaran

Mustak Mohammad @ Md Mustaque, Son of Md. Munna, Resident of
Village- Sant Ghat Haribabu Colony, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 23-02-2022 The applicant is given out of turn hearing because of illness of his mother and the applicant has placed on record papers of medical treatment of his mother wherein she has been advised to approach the higher centre for her treatment.

The applicant/accused in Crime No. 419 of 2021 registered with Bettiah Mufassil (Manuapul) Police Station for the offences punishable under Sections 356, 379, 324, 307, 411 and 414/34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Herd both sides and perused the material placed before me.

The FIR of the subject crime is lodged by Mainul Shekh. According to the prosecution case, when Mainul Shekh was talking on his cellphone, two motorcycle riders came and



attempted to snatch his cellphone. When Mainul Shekh resisted, one of them assaulted Mainul Shekh by means of knife. When people rushed to save the victim, it is stated that both robbers flee from the spot by leaving behind the motorcycle.

Soni Devi stated to be the registered owner of the motorcycle found on the spot. According to the prosecution case, Md. Khalid Mian is friend of husband of Soni Devi and the applicant is brother-in-law of said Md. Khalid Mian. The applicant is implicated in the subject crime on the basis of confessional statement of co-accused. He was not subjected to the Test Identification Parade.

Investigation of the subject crime is over. Hence considering the nature of evidence against the applicant, I see no reason to refuse bail to the applicant. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 419 of 2021 registered with Bettiah Mufassil (Manuapul) Police Station be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -



(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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