

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66766 of 2021

Arising Out of PS. Case No.-129 Year-2021 Thana- BAKHTIYARPUR District- Patna

ABDUL MISTRI @ ABDUL MISTRY Son of Late Rahmat Hussain Resident
of Village - Golebigha, P.S.- Rampur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivnandan Bharti

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bakhtiyarpur P.S. Case No. 129 of 2021, (G.R. No. 955 of 2021)
registered for the offences punishable under Sections 392 of the
Indian Penal code and added Sections 395, 412, 120(B), 420 of
the Indian Penal Code.

As per prosecution case, the informant's truck has
been looted and stolen forcefully by four unknown armed
persons. Later on police found the truck parked near the garage
of petitioner and petitioner has been arrested.

Learned counsel for the petitioner submits that



petitioner is in custody since 17.07.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. F.I.R. is lodged against unknown. During the course of investigation the name of present petitioner has been surfaced as the alleged truck was parked in-front of the garage of the petitioner. Nothing has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R. charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 3rd, Barh in connection with Bakhtiyarpur P.S. Case No. 129 of



2021 (G.R. No. 955 of 2021), subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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