

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68519 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- DIGHALBANK District- Kishanganj

Manzar Alam @ Md. Minarul Haque, S/o Md. Afan Ali, R/o village-
Baluwadangi, Lukman Tolla, Ward No. 6, P.S.- Dighal Bank, District-
Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-09-2022 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 Dighalbank P.S. Case No. 57 of 2021 registered for the alleged offences under Sections 395 and 397 of the Indian Penal Code.

As per prosecution case, a dacoity was committed in the house of the informant by 7 miscreants and they took away a number of ornaments and cash amount of Rs. 60,000/- apart from mobile phones. The name of the petitioner surfaced as an accused during investigation.

The learned counsel for the petitioner submits that the



petitioner is not named in the FIR and nothing incriminating has been recovered from his conscious possession. The petitioner is a small businessman and political worker of locality. He has been falsely implicated in this case on the basis of wrong information and due to local politics. The name of the petitioner transpired in this case on confessional statement of co-accused who is on inimical terms with this petitioner. Whatever recovery has been shown from this petitioner, the said articles are the household articles of this petitioner and nothing is looted from anywhere. Other similarly placed co-accused persons have been granted bail vide order dated 10.02.2021 passed in Cr. Misc. No. 38874 of 2020, vide order dated 11.08.2021 passed in Cr. Misc. No. 41205 of 2021 and order dated 03.01.2022 passed in Cr. Misc. No. 26671 of 2021 by different Co-ordinate Benches. The petitioner is in custody since 15.06.2020 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and a number of cases are pending against him. Learned APP further submits that from this petitioner, a dagger, Rs. 5,000/-, three pairs of anklets and cell phone were recovered.

Perused the records.



Having regard to the submissions made hereinabove and considering the submission of charge-sheet along with the period of his custody, 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 Sub-Divisional Judicial Magistrate, I/C, Kishanganj in connection with Dighalbank P.S. Case No. 57 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 Masud Alam, brother 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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