

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68328 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- BARURAJ District- Muzaffarpur

Md Hifajat @ Mallu Son of Mofij Miyan Resident of Village- Sherpur, P.S.-
Chakiya, District- East Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Baruraj
P.S. Case No. 48 of 2020 registered for the offence under
Sections 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 28.08.2020.

The allegation against the petitioner is to commit
dacoity along with other co-accused persons and while
committing so, taken away motorcycle, cash of Rs. 4000/-
belongs to the informant.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been remanded in the present case



on the basis of self confession, while apprehending in Barrot P.S. Case No. 49 of 2020, moreover, nothing incriminating was recovered in furtherance of said self confession, which may connect the petitioner with present set of occurrence. It has also submitted that alleged recovery of motorcycle has not been made from conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in other 06 criminal cases, in which, he is on bail and most of the cases, name of the petitioner surfaced on the basis of confessional statement of co-accused, as of present. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged motorcycle has been recovered from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as seized motorcycle alleged to be looted in occurrence, was not recovered from the conscious physical possession of the petitioner as per seizure list, coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection



with Baruraj P.S. Case No. 48 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Vahid Miya, who is the Father-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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