

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70195 of 2021**

Arising Out of PS. Case No.-102 Year-2019 Thana- MAHUA District- Vaishali

Md. Ashif Raja S/o Md. Faiyaz R/o Mahua Mukundpur, P.S.- Mahua, District-
Vaishali

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Opposite Party/s : Mr.Ashok Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 28-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 395, 412 of the Indian Penal Code.

According to prosecution case, the informant who is a doctor while returning home entered his house meanwhile 8 other unknown persons also reached the informant house and one among those persons on the point of pistol, made the informant and other persons to enter the house of the informant. It is further alleged that after locking the informant and his other



family members in a vacant room on gun-point, they had committed dacoity of cash, jewelries, ornaments, ATM cards, cheque books, mobile handsets etc.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Moti Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Dharmendra Kumar @ Bhola has been granted bail by a co-ordinate Bench of this Court vide order dated 30.05.2019 passed in Cr. Misc. No. 35372 of 2019, another co-accused namely, Pankaj Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 06.08.2019 passed in Cr. Misc. No. 49098 of 2019, another co-accused namely, Jyoti Kumar Rai @ Jyoti Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 22.10.2019 passed in Cr. Misc. No. 63919 of 2019. The petitioner is in custody since 02.07.2019.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mahua P.S. Case No. 102 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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