

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70145 of 2021

Arising Out of PS. Case No.-171 Year-2019 Thana- LAUKAHA District- Madhubani

Md. Mustakim @ Md. Israfil Son of Md. Majeed Resident of Village-
Jhanjharpur, Ward No. 8, P.S.- Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, App

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual Court
proceeding.

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 and 397 of the Indian
Penal Code and section 3/4 of Explosive Substance Act.

According to prosecution case, the informant-Hareram
Mahto, prosecution case, in brief, is that in the night of
30.06.2019 at 12:30 A.M., 10 unknown culprits armed with
country made Katta and sharp edged weapon entered into his
house, and on the point of country made Katta, they took away



jewellery such as gold nose-pin, ear-ring etc. from his female members as also they took away 50 bhar silver jewellery, Payal etc. from the box, worth about Rs. 1,65,000/- after breaking the box. On hearing hulla, his nephew Ashutosh Mahto, who had slept at darwaza, woke up and chased the culprits. In the meantime, one of the culprits threw a bomb upon his nephew, due to which he sustained grievous injury on his shoulder. On seeing people who were assembling after hearing the sound of firing, the culprits fled away.

Learned counsel for the petitioner submits that petitioner is innocent 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 as well as self confessional statement of the petitioner. 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, Mithun Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 02.08.2021 passed in Cr. Misc. No. 9895 of 2021. The petitioner is in custody since 17.07.2021.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one.

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 S.T. No. 91 of 2021 arising out of Laukaha P.S. Case No. 171 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)

Gaurav Kumar/-

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