

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70497 of 2021

Arising Out of PS. Case No.-230 Year-2021 Thana- FALKA District- Katihar

Md. Akhlaque @ Md. Akhlaque Ray, Son of Fatkan @ Fatkan Rai, Resident
of Village- Badi Chatar, P.S.- Falka, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-06-2022 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Falka P.S. Case No.230 of 2021
registered for the offences punishable under Section 392 of the
Indian Penal Code. He is in custody since 28.07.2021. The
petitioner has got no criminal antecedent.

Learned counsel for the petitioner, as per the
prosecution story, on 14.07.2021 while the informant was
coming from the house of one Puja Kumari after collecting
Rs.1,27,900/- in the way near village Morsanda the unknown



miscreants on the point of arms looted away his bag containing the aforesaid cash, adhar card, ATM card etc.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that till date petitioner has not been put on TIP and there is no identification of the petitioner on the spot by any other person. It is submitted that the petitioner is in custody since 28.07.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is in custody since 28.07.2021 but till date he has not been put on TIP and there is no identification of the petitioner on the spot by any other person and the further submission that recovery of loaded pistol and one live cartridge has been made from a place near the school which is not in conscious possession of the petitioner, he has no criminal antecedent, investigation against him is complete and his presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each



to the satisfaction of learned A.C.J.M.-III, Katihar in connection with Falka P.S. Case No.230 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

