

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71263 of 2021

Arising Out of PS. Case No.-404 Year-2020 Thana- FALKA District- Katihar

MUNNA ALAM @ MD. MUNNA ALAM, Son of Late SK. Wajul Haque
Resident of Village - Musapur, P.S.- Korha, District - Katihar presently
resided at village - Rajdhani, P.S.- Falka, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2022 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 connection with Falta
(Pothiya) P.S. Case No. 404 of 2020, registered for the offences
punishable under Section 392 of the Indian Penal code.

According to prosecution case, on 08.12.2020, the
informant was going towards Dumar with his friend namely,
Sanjiv Kumar by motorcycle, in way two miscreants arrived
there and taken away the bag of informant containing with cash
of Rs. 1,50,000/-, one Tab, Adhar Card and Pan Card etc.



Thereafter, the informant informed to the police about the occurrence.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and the name of the petitioner has been transpired on the basis of the 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 TI Parade has been conducted by the prosecution and the police after investigation submitted a chargesheet against the petitioner and the petitioner is in custody since 05.01.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries six criminal antecedents.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Additional Chief Judicial Magistrate-I, Katihar, in connection with Falta (Pothiya) P.S. Case No. 404 of 2020, 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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