

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72219 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- BASOPATTI District- Madhubani

Md. Arif @ Md. Arif Hussain Son of Md. Faruk Resident of Village-
Islampur, P.S.- Jaynagar, Ditriect- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jagdish Prasad Singh, Advocate Mr. Bimal Kumar, Advocate
For the Opposite Party/s	:	Mr.Umanath Mishra,APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

4 17-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Basopatti P.S. Case No. 40 of 2021 (CRI Case
No. 249/2021) registered for the alleged offences under Section
392 of the Indian Penal Code.

As per prosecution case, four miscreants entered into
the house of the informant and looted Rs. 7,00,000/- and a
mobile phone from his house. The name of the petitioner
transpired during investigation as one of the accused persons.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case. He has been made accused on the basis of confessional statement of co-accused Vinod Yadav. Nothing incriminating has been recovered from his conscious possession. No Test Identification Parade has been made. Nothing has been recovered at the instance of this petitioner though the recovery has been made from the co-accused who named this petitioner. The petitioner has got a number of cases pending against him and he is on bail in all such cases. Charge sheet has been submitted in this case and the petitioner is in custody since 21.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting the petitioner is a habitual offender and he is accused in altogether 14 cases of similar nature.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner or at his instance and further considering the period of custody along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Madhubani, District-Madhubani in connection with Basopatti P.S. Case No. 40 of 2021 (CRI Case No. 249 of 2021), subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/Daya

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