

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55251 of 2021

Arising Out of PS. Case No.-99 Year-2021 Thana- BARSOI District- Katihar

MIR MUNAF Son of Mir Masum Ali @ Mir Masum Resident of Village -
Molhapur, (Maulanapur), P.S.- Barsoi, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58366 of 2021

Arising Out of PS. Case No.-99 Year-2021 Thana- BARSOI District- Katihar

MUNTAKHAB ALAM @ LADDAN Son of Afaque Alam Resident of
Village - Molnapur, P.S.- Barsoi, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 409 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- BARSOI District- Katihar

MD. NAWED ALAM @ NAWED ALAM Son of Khijir Hayat Resident of
Village- Moulanapur, P.S.- Barsoi, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55251 of 2021)

For the Petitioner/s : Mr. Bimal Kumar, Advocate.

For the Opposite Party/s : Mr. Meena Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 58366 of 2021)

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate.

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

(In CRIMINAL MISCELLANEOUS No. 409 of 2022)

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate.

For the Opposite Party/s : Mr. Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR



ORAL ORDER

4 05-09-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsels for the petitioners as well as learned Additional Public Prosecutor for the State.

With the consent of the parties, all the matters are being heard together and disposed of by the present common order.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Barsoi P. S. Case No. 99 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the informant was coming from his office, three miscreants intercepted him and on the point of pistol they looted Rs. 81,023/- and other valuable articles.

Learned counsel appearing on behalf of the petitioners submitted that the F.I.R. has been instituted against unknown miscreants, however, during the course of investigation, the petitioner Muntkhab Alam @ Laddan apprehended by the police and he disclosed the name of his



associates including the name of Mir Munaf and Md. Nawed Alam @ Nawed Alam. It is further submitted that on the confession made by Muntkhab Alam @ Laddan, the motorcycle, which is said to have been used in the crime, has been recovered from the house of his brother-in-law, where cash of Rs. 15,000/- was also recovered. It is next submitted that no incriminating material has been recovered from possession of Mir Munaf (petitioner in Cr. Misc. No. 55251 of 2021) and Md. Nawed Alam @ Nawed Alam (petitioner in Cr. Misc. No. 409 of 2022). It is also submitted that though the recovery is said to have been made from the possession of Muntkhab Alam @ Laddan, however, neither the petitioners nor the recovered materials have been put on Test Identification Parade and moreover, the petitioners are in custody for more than one year. It is subsequently submitted that only because of their past criminal antecedent, their names have been implicated in this case that too on the statement of spy/informer whose name has not even been disclosed. It is last submitted that though the informant has alleged in his written report that three miscreants came on an Apache motorcycle and looted him but he did not disclose the registration number of the motorcycle.

On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the looted articles have been recovered from the house of one Muntazir Alam on the confession made by Muntkhab Alam @ Laddan. It is next submitted that so far Mir Munaf and Md. Nawed Alam @ Nawed Alam are concerned, they are having two criminal antecedents

Having considered the submissions made on behalf of the parties and taking into account the materials brought on record during the course of investigation that certain looted materials have been recovered from the house of Muntazir Alam, on the confessional statement of Muntkhab Alam @ Laddan, this court is not persuaded to enlarge Muntkhab Alam @ Laddan on bail for present. So far the petitioners Mir Munaf and Md. Nawed Alam @ Nawed Alam are concerned, let them be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Barsoi P. S. Case No. 99 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the



trial.

- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. 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.

However, Muntkhab Alam @ Laddan is at liberty to renew his bail application after five months.

shakir/-

(Harish Kumar, J)



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