

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2973 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- AMARPUR District- Banka

MD. BABLU S/O MOKIMUDDIN @ MD. MOKIM Resident of village-
Shobhanpur, Katoriya, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Adv.

For the Opposite Party/s : Ms. Sucheta Yadav, ApP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 05.03.2022
in connection with S. Tr. No.409/2022, arising out of Amarpur P.S.
Case No. 70/2022, F.I.R. dated 03.02.2022, for the offence
punishable under Section 394 of the Indian Penal Code.

According to prosecution case, two unknown miscreants
riding on a motorcycle stopped the informant's vehicle and
assaulted him with butt of pistol, causing injury below his right
eye. The accused persons also snatched his mobile, purse
containing Rs. 8000/-, four ATM, Pan card, Driving licence and
Adhar card and thereafter they 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 the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person, namely, Shakti Yadav. He further submits that nothing has been recovered from the conscious possession of the petitioner and except the confessional statement of co-accused person, no other cogent material has come during investigation against the petitioner to connect his involvement in the present occurrence. He further submits that similarly situated co-accused persons, namely, Tulsi Kumar @ Abhijit Kumar @ Rajesh Kumar and Md. Sarik have been granted bail by this Court vide order dated 29.08.2022 and 29.09.2022, passed in Cr. Misc. No.28911/2022 and Cr. Misc. No. 37419/2022 respectively and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.03.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries five criminal antecedent but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the cases.

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 Additional District and Sessions Judge-IV, Banka, in connection with S. Tr. No.409/2022, arising out of Amarpur P.S. Case No.70/2022, 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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