

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2811 of 2023

Arising Out of PS. Case No.-360 Year-2022 Thana- RAGHOPUR District- Supaul

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MUJAMMIL Son of Anwar R/V- Kalchhina P.S- Bhojpur Dist- Ghaziabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Raghopur
P.S. Case No. 360 of 2022 dated 21.09.2022 registered for the
offence under Sections 392 of the Indian Penal Code.

The petitioner is alleged to have been apprehended by
the police having illegal possession of eight cartoons of looted
clinic plus shampoo.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R., however, the
petitioner has been apprehended in this case on a secret input
during course of investigation and on the basis of recovery of 8
cartoons of looted articles, as alleged in the F.I.R, from the



possession of the petitioner and thereafter the police has recorded confession of the petitioner. He further submits that as a matter of fact, the petitioner has not committed the crime in question rather his vehicle was used in the alleged occurrence on the point of gun by the other accused persons. He further submits that the co-accused, Dharesh Singh @ Daresh Singh and Ranji Chaudhar @ Ranjit Kumar Choudhary, have already been granted bail by different co-ordinate Benches of this Court vide order dated 01.05.2023 and 23.03.2023 passed in Cr. Misc. No. 15229 of 2023 and Cr. Misc. No. 73434 of 2022, respectively. The petitioner is rotting in judicial custody since 21.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M.-I, Birpur, Supaul in connection with Raghopur P.S. Case No. 360 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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