

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4253 of 2023

Arising Out of PS. Case No.-20 Year-2021 Thana- JAIPUR District- Banka

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MUZAHD ANSARI Son of Mustkim Ansari Resident of Muslim Tola, P.S.-
Hansdiha, District - Dumka (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
21.08.2021, in connection with Jaipur P.S. Case No. 20 of 2021,
F.I.R. dated 24.02.2021 registered for the offences punishable
under Section 394 of the Indian Penal Code but the police after
investigation submitted chargesheet under Sections 394 and 411
of the Indian Penal Code.

The F.I.R. of the occurrence of loot is against
unknown.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired



during investigation on the basis of confessional statement of co-accused person namely Binod Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that except the confessional statement of co-accused Binod Kumar, no cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.08.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in both the cases.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Banka in connection with Jaipur P.S. Case No. 20 of 2021, subject to the following conditions :-



(1) One of the bailors must be the father of the petitioner, namely, Mustakim Ansari, who has sworn the affidavit in the bail petition.

(2) 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.

(3) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(4) 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 antecedents, 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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