

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10542 of 2023**

Arising Out of PS. Case No.-393 Year-2022 Thana- KISHANGANJ District- Kishanganj

MUJAMMIL @ MUJAMMIL HUSSAIN @ MD. MOJAMONIL @
MOJAMIL HUSEN @ MD. MOJAMONIL Son of Naimuddin Resident of
Village- Bainipar Sahapur, P.S.- Goalpokhar, District- Uttar Dinajpur, State-
West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Yogendra Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 15-05-2023 As prayed for, learned counsel for the petitioner is

permitted to make some necessary correction in the petitioner

during course of the day.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner has prayed for regular bail in a case

registered for the offence punishable under sections 420, 409,

120(b)/34 of the Indian Penal Code.

As per FIR, the allegation against the petitioner is that

the he along with other accused persons have been instrumental

in looting cash from the cash van to the tune of Rs. 1.93 crore

looted in the said cash van which was supposed to be loaded in

the S.B.I. ATM. It is further alleged that the petitioner is

indulged in hatching conspiracy to embezzle the said amount in



connivance with others.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR and he has falsely been implicated in this case as he is brother of the co-accused namely, Jamil Akhtar and there was phone call between them. During course of investigation, nothing has come against the petitioner which suggests his accusation in the alleged occurrence. From perusal of case diary, it appears that the recovery of as alleged looted cash has been made from possession of other co-accused persons. Nothing has been recovered from possession of this petitioner. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 17.9.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kishanganj P.S. Case No.



393 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Kishanganj (Bihar).

(Sunil Kumar Panwar, J)

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