

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13256 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- KASIMBAZAR District- Munger

Md. Mustakim S/O Md. Gaffar @ Md. Gafur R/O Village- Ghasiyar, P.S.-
Kotwali, Distt- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 15-05-2023 The applicant is accused in Crime No.140 of 2022 registered with Kasim Bazar Police Station for the offences punishable under Sections 457 and 380 of the Indian Penal Code. By this application he is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

Learned counsel for the applicant/accused makes statement at bar that the applicant was arrested in Kasim Bazar Police Station Case No.188 of 2022 on 17.07.2022 and thereafter he was remanded in several cases which were in fact registered against some unknown accused persons. That is



how, according to the learned counsel for the applicant, checkered criminal history of the applicant is shown by roping him in the offences after his first arrest on 17.07.2022 in Crime No.188 of 2022. He further argued that the offence was against unknown person and nothing was recovered from the applicant.

The learned Additional Public Prosecutor opposed the application by contending that as held by the learned Sessions Judge, there are several offences registered against the applicant and, therefore, he is not entitled for bail.

I have considered the submissions so advanced. Accepting the solemn statement made at bar by learned counsel for the applicant that the applicant was arrested only in one case and thereafter he was made accused in other cases wherein the offender was unknown, the applicant deserves to be released on bail keeping in mind the fact that the investigation of the subject crime is over and the applicant has undergone pre-trial detention from 17.07.2022. Hence, the order:-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 140 of 2022 registered with Kasim Bazar Police Station be released on



bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(A. M. Badar, J)

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