

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12079 of 2023

Arising Out of PS. Case No.-236 Year-2021 Thana- JHANJHARPUR District- Madhubani

Md. Nasaruddin @ Bhulla, Gender-Male, aged about 22 years, Son of Md. Fulhasan Rain R/v- Akaunha, P.S.- Deodha, Dist- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party : Mr. Ashok Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Jhanjharpur P.S. Case No. 236 of 2021 dated 12.10.2021, instituted for the offence punishable under Sections 394 and 411 of the Indian Penal Code.

3. The prosecution case in short is that on 11.10.2021 at about 07:00 pm, when the informant was going to his house from his saloon, four unknown accused persons intercepted the informant and looted his motorcycle, mobile phone and Rs. 400-500/- on the gun point and fled away. Thereafter, the informant lodged an F.I.R. against four unknown persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. Neither stolen motorcycle nor any article has been recovered from the conscious possession of the petitioner. Till date, no Test Identification Parade (T.I.P.) has been conducted. It is further submitted that the petitioner is not named in the First Information Report. The name of the petitioner comes in this case due to previous criminal history and on the basis of confessional statement of other co-accused. Lastly, it has been submitted that the petitioner is in custody since 03.09.2022, he has criminal antecedents of four cases and charge-sheet has been submitted in the case.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. - 1st Class, Jhanjharpur, Madhubani in Jhanjharpur P.S. Case No. 236 of 2021, 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 on his absence on two consecutive



dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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