

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13028 of 2023

Arising Out of PS. Case No.-126 Year-2022 Thana- BIRPUR District- Supaul

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Mohammad Dilashad @ Kalia, aged about 37 years, Male, Son Of
Mohammad Nurullah R/O Master Mustafe Tola, Dinbandhi, P.S.- Balua
Bazar, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State of Bihar.

The petitioner is apprehending his arrest in connection
with Birpur (Bhimnagar O.P.) P.S. Case No. 126/22 under
Section 392 of the Indian Penal Code.

There is allegation on two persons of snatching a bag
containing cash and other documents of the informant. One
person has been apprehended, who has stated about the
petitioner being an accomplice. There is also allegation of
inflicting a sharp cutting injury on the informant.

Learned counsel for the petitioner submits that no
injury has been found on the person of the informant, which is
evident from the order dated 06.01.2023 whereby and



whereunder the learned Sessions Judge, Supaul has rejected the petitioner's prayer for bail.

It is submitted that though paragraphs of the case diary has been considered but there is no reference to any injury sustained by the informant. Even otherwise, it is submitted that the petitioner's implication is based on confession of co-accused in custody and he has no antecedent.

Learned APP for the State opposed the prayer for bail.

Considering the rival submission, manner of implication and clean antecedents of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Petitioner's prayer for anticipatory bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Ist, Birpur, Supaul, in connection with Birpur (Bhimnagar O.P.) P.S. Case No. 126 of 2022 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:



- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Shashank/
gaurav.s-

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