

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16569 of 2023

Arising Out of PS. Case No.-556 Year-2022 Thana- KANTI District- Muzaffarpur

Md. Sakim, aged about 26 years (Male), son of Md. Sarif, resident of Village-
Kaparpura, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Kanti
PS Case No. 556 of 2022 dated 14.08.2022, instituted for the
offence punishable under Section 392 Indian Penal Code in
which later on Sections 395, 412 of the Indian Penal Code were
added.

3. As per the allegation in the written report, some
unknown criminal on the point of firearms has taken away the
vehicle (Truck) of the informant. It has been mentioned in the
written report that one Danish, who was involved in the offence
of similar nature and was employed as Driver of Tempo in
Bawani Traders, was apprehended.

4. Learned counsel for the petitioner submits that the



petitioner is neither named in the FIR nor put on Test Identification Parade. Learned counsel further submits that co-accused, Md. Ajad, has been granted bail by a co-ordinate Bench of this Court on 08.05.2023 vide Cr. Misc. No.6267 of 2023 in which it is mentioned that co-accused, Md. Danish, who is named in the FIR, has been granted bail. Lastly, it is submitted that charge-sheet has been submitted in the case and the petitioner is in custody since 14.09.2022. The petitioner has criminal antecedents of five cases.

5. Learned APP has opposed the prayer for bail.

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 Judicial Magistrate, 1st Class, Muzaffarpur, in Kanti PS Case No. 556 of 2022, subject to the conditions (i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that



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, and (iv) that 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)

J. Alam/-

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