

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21083 of 2023**

Arising Out of PS. Case No.-193 Year-2022 Thana- BARAHAT District- Banka

Md. Sabir S/O Md. Niyamat @ Nemat R/O Village- Kharhara, P.S- Barahat,
Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 12-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
17.08.2022 in connection with Barahat P.S.Case No.193 of
2022, F.I.R. dated 15.08.2022 registered for the offence
punishable under Section 392 of IPC.

As per allegation in the FIR, four unknown
miscreants overtook the informant and his father and snatched
his bag and an amount of Rs. 2000 from informant's father.

Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Petitioner is not
named in the FIR. The name of the petitioner has been



transpired during investigation on the basis that the informant has identified the petitioner. Further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from other co-accused persons. Further submits that co-accused person, namely, Md. Waris and Md. Mehrab have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 12.05.2023 passed in Cr. Misc. No.17300 of 2023 and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 17.08.2022.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I, Banka in connection with Barahat P.S.Case No.193 of 2022,with 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 shall remain physically present as directed by the



Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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