

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22078 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- DHAMDAHA District- Purnia

Pir Mohammad S/O Late Md. Siddique R/O Village- Alinagar, Ward No. 13,
P.S- Dhamdaha, Distt.- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Diwakar Sinha, Advocate

For the Opposite Party : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Dhamdaha P.S. Case No. 300 of 2022 dated 17.10.2022, instituted for the offences punishable under Sections 392, 413, 414 of the Indian Penal Code and 25(1-B)a and 26 of the Arms Act.

3. The prosecution case in short is that on 17.10.2022, at about 12:10 am, informant along with his co-villager while going to Purnia, was stopped by four unknown miscreants on motorcycle near Kukron canal and forcibly snatched Mobile Phone and Cash worth Rs. 8,000/- (Eight Thousand) and also snatched Cash of Rs. 12,500/- (Twelve Thousand Five Hundred) from his co-villagers on gun point. Co-villager raised alarm, on



which miscreant tried to flee away from there after leaving their motorcycle but one of them was apprehended and disclosed their names.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. While the petitioner was coming after selling his she-Goat in the cattle *Hat* at Banmankhi and when he reached near Canal, a mob of several persons were seen chasing four persons, who succeeded in fleeing away, but on suspicious he was caught by the villagers and handed over to police merely on the basis of suspicion. From perusal of seizure list, the place of recovery has been mentioned as *kukron nahar k pass road par* as near the Kukron Canal beside the road. It is submitted that the petitioner was searched by the Police and his Vivo Mobile and sale proceeds of she-Goat amounting to Rs. 8,000/- were seized. It is further submitted that the petitioner was badly tortured and harassed and compelled to sign some blank papers which appear to have been converted in to seizure list. Further, it is submitted that the registration No. of the motorcycle which was looted by the accused persons, did not tally to the motorcycles which were seized by the Police. It is further submitted that the said motorcycle does not belong to the petitioner and he has no



concern with the aforesaid motorcycle. Lastly, it has been submitted that the petitioner is in custody since 18.10.2022, having two criminal antecedents 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 Judicial Magistrate, Purnea in Dhamdaha P.S. Case No. 300 of 2022 subject to the following conditions:-

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



iii. 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.

iv. 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)

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