

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22960 of 2023

Arising Out of PS. Case No.-179 Year-2019 Thana- AMAUR District- Purnia

Sushil Mochi @ Sushil Ram Son Of Rameshwar Mochi Resident Of Village -
Kalthia, P.S. - Angarh, Distt. - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
05.04.2022 in connection with Amour P.S. Case No. 179 of
2019, F.I.R. dated 26.11.2019 for the offences punishable under
Sections 395, 397 of the Indian Penal Code.

3. According to prosecution case, the allegation as per
the First Information Report, is that on 25/26.11.2019 about 10-
15 miscreants entered into the house of the informant by
breaking lock of the grill and after having overpowered the
informant and his wife, they assaulted them with iron rod, katta,
kathi etc and looted ornaments and Rs.1,00,000/- cash. It has
further been alleged that they also assaulted son of the informant
and looted the goods being kept for marriage of the daughter of



the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Jitendra Viswas. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Jitendra Vishwas, Abdul Jabbar, Bimal Singh, Md. Rajjak @ Dokwa and Md. Alamgir @ Alam @ Md. Alamgir Alam have been granted bail by a co-ordinate Bench of this Court vide orders dated 04.11.2020, 06.03.2020, 24.03.2021, 06.09.2021 and 01.09.2021 passed in Cr. Misc. No. 24590 of 2020, Cr. Misc. No. 15613 of 2020, Cr. Misc. No. 36919 of 2020, Cr. Misc. No. 23264 of 2021 and Cr. Misc. No. 30009 of 2021 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 05.04.2022.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries thirteen criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Arbaz Ansari, learned Judicial Magistrate, 1st Class, Purnea in connection with Amour P.S. Case No. 179 of 2019, 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 shall remain physically present as directed 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. 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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