

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26868 of 2023

Arising Out of PS. Case No.-79 Year-2022 Thana- BALIYA District- Begusarai

Md Jafar @ Tin Lakhya Son Of Late Md. Mokhtar Resident Of Village -
Mansurchak, P.S. - Ballia, Distt. - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Ballia P.S. Case No. 79 of 2022 dated 16.03.2022, instituted for the offence punishable under Sections 395, 120(B), 34 of the Indian Penal Code and 27 of the Arms Act.

3. The prosecution case, in short, is that on 16.03.2022 at about 09:35 am, the informant along with others were going to deposit Rs. 11,00,000/- of sell collection and on the way their driver suddenly stopped the vehicle thereafter, 5-6 unknown miscreants including petitioner appeared with guns and snatched the bag of money on gun point and fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It



is further submitted that there is no specific allegation of any overt act against the petitioner in the F.I.R. and the petitioner is named in the F.I.R. only on the basis of identification made by the informant by seeing a photograph produced by the police officials. He further submitted that no T.I.P. has been conducted up till now. It is further submitted that nothing has been recovered from the possession of the petitioner. Learned counsel further submitted that other co-accused persons have been granted bail by different Co-ordinate Benches of this Court whose details are mentioned in Annexure-2 of this bail application. Lastly, it has been submitted that the petitioner is in custody since 03.11.2022, has five criminal cases against him 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 1st class, Begusarai in Ballia P.S. Case No. 79 of 2022, 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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.

4. 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)

Sankalp/-

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