

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26229 of 2023**

Arising Out of PS. Case No.-53 Year-2021 Thana- CHIRAIYA District- East Champaran

MD. RUSTAM @ ASHISH PATEL S/O MUKHTAR AHMAD @  
MUKHTAR ALI, Resident of Village- Hiramani, P.S.- Chhauradano, District-  
East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

2      24-05-2023              Learned counsel for the petitioner is permitted to  
remove defect (s), as pointed out by the office, if any, within a  
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned  
A.P.P for the State.

The petitioner has preferred this application for grant  
of regular bail in connection with Chiraiya P.S. Case No. 53 of  
2021 dated 12.03.2021 registered for the offences punishable u/s  
394 of the Indian Penal Code.

As per the prosecution case, the informant is a  
professional cab driver. He picked-up three persons and  
proceeded for Motihari. In the way, all the three persons  
assaulted the informant and stopped the vehicle and tied the



hand and leg of the informant and threw him in the field. Thereafter, all the accused persons fled away by taking the vehicle of the informant.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused Ajmat Ansari. No T.I.P. has been conducted by the prosecution. The co-accused person has already been granted bail by the Coordinate Bench of this court vide order dated 14.02.2023 passed in Cr. Misc. No. 46232 of 2022. The petitioner is accused in 11 other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 08.05.2022.

Learned A.P.P. for the State has vehemently opposed the prayer of bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sikarhana at Dhaka, Motihari, East Champaran in



connection with Chiraiya P.S. Case No. 53 of 2021 with the following condition :-

- 1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bonds is liable to be cancelled.

The application stands allowed.

**(Chandra Prakash Singh, J)**

Gautam/-

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