

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27480 of 2023

Arising Out of PS. Case No.-644 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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Md. Tousiq Son of Md. Matiq @ Matik Res of Vill.- Lalganj, Ward No.- 06,
P.S.- Maranga, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.10.2022 in connection with K. Nagar P.S. Case No. 644 of
2022, F.I.R. dated 20.10.2022 for the offences punishable under
Sections 393, 397 and 307 of the Indian Penal Code along with
Section 27 of the Arms Act.

3. According to prosecution case, the informant was
on his way to SBI Bank after returning on his way, three
unknown persons on motorcycle tried to snatch the key of his
motorcycle and the bag, which was full of money. When the
informant resisted, one of the accused persons fired upon the
informant and the bullet passed away injuring the head of the



informant. After firing, all the accused persons fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case and name of the petitioner is transpired during the investigation only on the basis of confessional statement. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date, no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.10.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner has confessed his guilt in the present occurrence and accepted that a wrist watch was found near the place of occurrence belonged to the petitioner. He further submits that arms and ammunition were also recovered from the possession of the petitioner which was used in crime in question. Apart from the aforesaid facts, the petitioner carries five cases 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 the learned Chief Judicial Magistrate, Purnea, in connection with K. Nagar P.S. Case No. 644 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 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.

ii. 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.

iii. 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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