

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34475 of 2023

Arising Out of PS. Case No.-350 Year-2022 Thana- KASBA District- Purnia

MD. ISTHIYAK Son of Md. Laik Resident of village - Aina Mahal, Sani
Mandir Gulabbagh, P.S. - Sadar, Distt. - Purnea Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard Mr. Ramesh Kumar Singh, learned counsel for
the petitioner and the State.

The petitioner is in custody since 26.11.2022 in connection with Kasba P.S. Case No. 350 of 2022 for the offence punishable under Section 395 of the I.P.C. lodged on 24.10.2022 by the informant Salim.

As per the prosecution story, the informant and Arjun Oraon were working as Guards in Godown. On 24/10/2022 at about 1 AM in the night, they saw 8-9 persons coming from western lane of NH -57. They abused and on the threat of knife, one person snatched Nokia mobile bearing sim no- 7070300247 and rest accused persons caught hold both the Guards and tied their hands and legs. It is further alleged that while two accused remained were there, the rest accused persons went towards Godown. At about 3 A.M, the informant along with Arjun Oraon somehow untied themselves and saw the lock of godown was broken and 80 bags of Maize crops were looted. Thereafter the



informant informed his supervisor and explained the happenings. Accordingly, the FIR.

Learned counsel for the petitioner submits that he is not named in the FIR. It has come in the confessional statement of Mumtaz and further there is no recovery from his part. His submission is that only because number of criminal cases have been lodged against him, in every such cases, his name cropped up.

Learned APP opposes the prayer and draws the attention of this Court to para-3 to show that he has ten criminal cases of the same nature.

Considering the aforesaid submission put forward by the learned counsel for the petitioner, as also that his name has come in the confessional statement and nothing has been recovered from his conscious possession, is in custody since 26.11.2022, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Kasba P.S. Case No. 350 of 2022 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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