

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34492 of 2023

Arising Out of PS. Case No.-237 Year-2022 Thana- MANIYARI District- Muzaffarpur

MD. IMTEYAZ son of Md. Mustafa @ Mustafa Village- Kawadih Ps-
Baligaon Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Maniyari P.S. Case No. 237 of 2022 registered for the offences
punishable under Section 392 of the Indian Penal Code.

As per prosecution case, when the informant was
returning from the bank on his motorcycle, three miscreants
overtook him and at the point of pistol, they snatched his
motorcycle, bag, mobile, purse containing D.L., A.T.M. card,
and other articles from the him and fled away from the place of
occurrence. Hence, F.I.R. has been lodged against unknown.

Learned counsel for the petitioner submits that
petitioner is not named in F.I.R. and his named has been
transpired in this case upon the confessional statement of co-



accused Vikash Kumar. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered either from the possession or from the house of the petitioner. No T.I.P. has been conducted uptill now. Co-accused Vikash Kumar upon whose confessional statement the name of the present practitioner has been transpired, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 17792 of 2023 and the case of present petitioner stands on similar footing. He further submits that petitioner is in custody since 22.11.2022 and bears criminal antecedent of three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, co-accused has already been granted bail by the co-ordinate Bench of this court and on the principal of parity, let



the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M, Ist Class, Muzaffarpur in connection with Maniyari P.S. Case No. 237 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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