

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34495 of 2023

Arising Out of PS. Case No.-17 Year-2022 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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RAM AQBAL MUSHHAR Son of Late Kalika Mushhar Resident of village -
Nasej, P.S. - Kudra, Distt. - Kaimur At Bhabua

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh
For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Learned counsel for the petitioner is permitted to

make necessary correction in para 8 of the bail petition which is

filed on behalf of the petitioner.

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

The petitioner seeks bail in connection with
Bhagwanpur (Below) P.S. Case No. 17 of 2022 registered for
the offences punishable under Sections 457 and 380 of the
Indian Penal Code.

As per prosecution case, some miscreants entered
into the house of informant and they have stolen Rs. 1,66,600/-
in cash alongwith jewelry of informant's wife and fled away.
Hence, F.I.R. has been lodged against unknown.



Learned counsel for the petitioner submits that petitioner is not named in FIR and during the course of investigation the his name has been transpired upon the confessional statement of co-accused Mithai Mushar @ Ajay Mushar. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that no incriminating article has been recovered from the possession of the petitioner. No T.I.P. has been conducted uptill now. He further submits that petitioner is in custody since 22.06.2022 and bears criminal antecedent of four cases out of which in three cases petitioner is on bail. 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, 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 court of C.J.M. Bhabua at Kaimur in connection with Bhagwanpur (Belaw) P.S. Case No. 17 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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