

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34889 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- BANKA District- Banka

Md. Faishal, Male, aged about 28 years, son of Md. Asjaque Alam, resident of
Village- Kharihara, PS- Barahat, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

Mr. Pranjal Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Banka
PS Case No.122 of 2022 dated 28.02.2022, instituted for the
offence punishable under Sections 456 and 379 of the Indian
Penal Code.

3. As per the prosecution case, the informant was
returning home after closing his shop and he kept the bunch of
keys, aadhar card and other important documents and mobile in
a bag. When he reached near chandan river diversion, 2-3
persons came on a motorcycle and snatched the bag which was
tied with the handle of the motorcycle and fled away.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case merely on the basis of suspicion during investigation. Petitioner is not named in the FIR and nothing has been recovered from conscious possession as well as he was not put on TIP. Learned counsel further submitted that the petitioner was never involved in any incident and the mobile, in question, which was recovered from his *Sasural*, was purchased by him in good faith and his wife was using the same. Learned counsel further submitted that the petitioner is in custody since 07.01.2023 and charge-sheet has been submitted in the case. Three more criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Banka, in Banka PS Case No.122 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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