

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36297 of 2023

Arising Out of PS. Case No.-258 Year-2022 Thana- PRANPUR District- Katihar

1. MD BASIRUDDIN @ BISHU Son of Late Md Ismail Resident of village - Manik Nagar, P.S. - Pranpur (Roshna O.P), Distt. - Katihar
2. Md Shafiqul @ Shafiqul Haque Son of Abdul Khalique Resident of village - Manik Nagar, P.S. - Pranpur (Roshna O.P), Distt. - Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners are accuseds in connection with Pranpur P.S. Case No. 258 of 2022 registered for the offences under sections 395 and 397 of the Indian Penal Code and section 3/4 of Explosive Substances Act lodged on 30.11.2022 by the informant, Tikku Soren.

As per the prosecution story, the accused persons barged into the house of the informant and took away gold/silver ornaments as also cash of Rs. 30,000/-. They assaulted the informant on his head as also his wife and brother. Accordingly, the FIR.



The contention of the learned Counsel for the petitioners is that despite being in custody since 07.01.2023 (as stated in paragraph 13 of the bail application), no T.I. Parade has been done and the alleged recovery of amount and Nokia mobile belongs to the petitioner.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that both have criminal antecedents.

Considering the aforesaid facts as also period of custody and ultimately will have to face the trial, this Court is inclined to extend them privilege of bail.

Let the petitioners 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 the learned C.J.M, Katihar in connection with Pranpur P.S. Case No. 258 of 2022, subject to the following conditions:-

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

(ii) the petitioners 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 their bail bond by the Trial court itself;



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

(iv) the petitioners 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 their bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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