

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40350 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

MD. IRSHAD Son of Md. Alauddin Resident of village - Jagannath Pakri, P.s.
- Siwaipatti, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard Mr. Dwij Raj, learned counsel for the
petitioner and learned APP for the State.

The petitioner is an accused in connection with Siwaipatti P.S. Case No. 40 of 2023 registered for the offences under section 392 of the Indian Penal Code lodged on 11.02.2023 by the informant, Kamal Kishore Singh.

The prosecution story, in short, is that informant, Kamal Kishore Singh was returning home from Muzaffarpur on 11.02.2023 at about 7:25 P.M. and as he reached near Utkramik Madhya Vidyalay, Rampur Ratan, four persons standing on road with two motorbikes stopped him and looted the Hero Splendor plus Bike, bearing registration number is BR-55A-6153. Accordingly, the FIR.

The submission of the learned Counsel for the



petitioner is that he is running a puncture shop where he get acquainted with Munna Kumar who when apprehended, implicated him in this case by making confession. It is his further submission that despite being in custody since 27.04.2023 (as stated in paragraph 10 of the bail application) neither T.I.Parade done nor anything recovered from his conscious possession though he concedes that he has criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that his name has come in the confessional statement.

Taking into account the fact that the name of the petitioner has come in the confessional statement and despite being in custody, no T.I.Parade conducted nor any recovery from his possession, this Court is inclined to extend him privilege of bail.

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 the learned S.D.J.M. (East), Muzaffarpur in connection with Siwaipatti P.S. Case No. 40 of 2023, 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 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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