

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46272 of 2023

Arising Out of PS. Case No.-422 Year-2022 Thana- SAKRA District- Muzaffarpur

MD. IMTIYAZ @ MD. IMTEYAZ SON OF MD. MUSTAFA @ MUSTAFA
RESIDENT OF VILLAGE- KAWADIH, P.S. BALIGAON, DIST-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
11.10.2022 in connection with Sakra P.S. Case No. 422 of
2022, F.I.R. dated 22.08.2022 registered for the offence
punishable under Sections 392/34 of IPC.

3. The FIR of the occurrence of loot is against
unknown.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Petitioner is not named in the FIR. The name of
the petitioner has been transpired during investigation on the
basis of the confessional statement of co-accused person,



namely, Vikash Kumar and nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and except the confessional statement of co-accused person, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Further submits that the co-accused, namely, Vikash Kumar has been granted bail by the learned court below itself and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.10.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-12th, Muzaffarpur, East in connection with Sakra P.S. Case No. 422 of 2022,, with the following



conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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