

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47200 of 2022

Arising Out of PS. Case No.-41 Year-2009 Thana- JOKIHAT District- Araria

Mustafa, Son of Kasim, Resident of Village - Palasi Ward No.09, P.S.- Palasi,
Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Jokihat
P.S. Case No.41 of 2009 registered for the offence punishable
under Section 395 of the Indian Penal Code.

10-12 persons have entered the informant's house for
committing dacoity. It is alleged that they have taken away
several articles.

Learned counsel for the petitioner submits that in this
case, instituted in the year 2009, petitioner's name has recently
surfaced on the statement of co-accused Md.Sohrab. There is no
other material to connect the petitioner with the instant offence.
He has five antecedents and is on bail in all the five cases. In the
instant case, he has been in custody since 27.05.2022. There is



no recovery from the petitioner.

Learned APP for the State has opposed the prayer for bail.

Considering the manner of belated implication of the petitioner and the fact that there is no recovery as also period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, 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 the learned Chief Judicial Magistrate, Araria. in connection with Jokihat P.S. Case No.41 of 2009, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive



dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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