

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56151 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Md. Nadim Son Of Mustakim @ Md. Mustaqueem Resident Of Village-
Eslambagh, Nakched Tola, Behind Naka No. 2, Ps- Town, Distt- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
08.01.2023, in connection with Trial No. 2003 of 2023 arising
out of Mjotihari Town P.S. Case No. 299 of 2022, F.I.R. dated
26.04.2022 registered for the offences punishable under
Sections 457 and 380 of the Indian Penal Code.

3. The F.I.R. of the occurrence of loot is against
unknown.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that the petitioner is not
named in the F.I.R. and the name of the petitioner has been
transpired during investigation on the basis of confessional



statement of co-accused person namely Md. Sonu. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and except the confessional statement of co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused namely Md. Sonu has been granted bail by a Coordinate Bench of this Court vide order dated 24.11.2022 passed in Cr. Misc. No. 43641 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present crime and apart from the aforesaid the petitioner carries two more cases other than the present one.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Motihari, East Champaran in



connection with Trial No. 2003 of 2023 arising out of Motihari Town P.S. Case No. 299 of 2022, subject to the following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

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(Rajesh Kumar Verma, J)

