

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53609 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- BABUBARHI District- Madhubani

MD. RABUL S/O MD. USMAN RESIDENT OF VILLAGE KORHIYA P.S
JAYNAGAR DISTRICT MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 29.08.2022 seeks
bail, in connection with Babubarhi P.S. Case No.148/2022, dated
13.07.2022, corresponding to G.R. No.1135/2022, for the offences
punishable under Sections 392 of the IPC.

3. According to prosecution case, 2-3 unknown miscreants
snatched one lack rupees, mobile and notebook of the informant and
fled away.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He further
submits that the petitioner is not named in the F.I.R. The name of the
petitioner has been transpired during investigation and thereafter the
confessional statement of the petitioner was recorded and pursuant to
the confessional statement of the petitioner, the police has recovered



the looted bag and diary of the informant from the possession of co-accused, namely Pappu Yadav and from possession of the petitioner illegal arms have been recovered. He further submits that nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made from other co-accused person and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.08.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that confessional statement of the petitioner lead to the recovery of looted articles and apart from that the petitioner has carried two criminal antecedent other than the present one.

6. Considering the aforesaid facts and period of custody, 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 A.C.J.M.-1st, Madhubani in connection with Babubarhi P.S. Case No. 148/2022 , 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 witnesses, 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 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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