

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54902 of 2022

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

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Ilyas @ Iliyash S/O Zainuddin @ Mahiruddin @ Gainuddin Resident of
village- Joginder Ward No- 11, P.S.- Mahalgaon District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Ziaul Quamar, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and learned APP for
the State.

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

Petitioner seeks bail in connection with Jokihat (Mahalgaon) P.S. Case No. 41 of 2009 registered under Section 395 of the Indian Penal Code.

Dacoity was conducted in the house of informant and several articles have been taken away.

Learned counsel for the petitioner submits that in the police case of 2009, petitioner has been implicated in the year 2021, based on statement of one person Md. Sohrab, who was arrested. The petitioner is suffering on account of mistaken identity. He is not Ilyas son of Mahiruddin but he is son of Zainuddin and to this effect the local Mukhiya and other villagers have given certificate in writing. The petitioner has no antecedents and he is in custody since 23.07.2022 and



even though the victim claims that he is in a position to identify the perpetrators, till date petitioner has not been put on Test Identification Parade.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court is inclined to allow the petitioner's prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in Jokihat (Mahalgaon) 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.

(Madhuresh Prasad, J)

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