

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57371 of 2023

Arising Out of PS. Case No.-142 Year-2021 Thana- MOUZA HIDPUR District- Bhagalpur

Md Izhar S/O Late Md. Majid R/O Muhalla- Tilkamanjhi Chotiline
Jhopadpatti, P.S. Tilkamanjhi, Dist. Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 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 12.04.2023 in connection with Mojahidpur (Babarganj) P.S. Case No.142 of 2021, F.I.R. dated 05.06.2021 registered for the offence under Section 392 of the Indian Penal Code.

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, Shekhar Yadav. Further submits that 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 and the co-accused person, namely, Shekhar Yadav has been granted bail vide order dated 09.03.2022 passed in B.P.No.275 of 2022 by the learned Sessions Judge, Bhagalpur and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.04.2023.

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 seven more cases other than the present one but fairly submits that the petitioner is on bail in all the seven cases, as mentioned in para-3 of the bail petition.

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 J.M.-1st Class, Bhagalpur in connection with Mojahidpur (Babarganj) P.S.Case No.142 of 2021, 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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