

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58830 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- BARARI District- Katihar

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MOHAMMAD MUSTAQUEEM @ MD. MUSTAKIM S/O TARIK ANWAR
R/O BANKA, P.S- BARARI, DISTT.- KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Barari (Semapur O.P.) P.S. Case No. 141 of 2023 for the offence punishable under Sections 399, 402 and 414 of the Indian Penal Code read with section 25(1-b)a 26/35 of the Arms lodged on 3.5.2023 by the informant, Baiju Kumar.

3. As per the prosecution story, on secret information, the police reached a tea shop and came to know that some accused persons are planning to commit crime, apprehended and recovered country made revolver and cartridges etc.

4. So far as this petitioner is concerned, the allegation is that only a mobile has been recovered.

5. It is the case of the petitioner that the said mobile belongs to him and receipt has also been attached as Annexure-



2, one Md. Sarifool Haque who was also made accused has been granted bail (Annexure-3).

6. Learned APP opposes the prayer for bail.

7. Taking into account the submission put forward by the learned counsel for the petitioner as also only mobile has been recovered, is in custody since 3.5.2023 and do not have criminal antecedent, Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-III, Katihar, in connection with Barari (Semapur O.P.) P.S. Case No. 141 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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