

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 60316 of 2022**

Arising Out of PS. Case No.-57 Year-2021 Thana- CHAUTHAM District- Khagaria

MD AKHTAR MIYAN Son of Giyani Miyan R/V- Barhara, P.S- Chautham,
Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr Raj Kishor Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 25-01-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Chautham Police Station (for brevity, **PS**) Case No 57 of 2021 registered for the offence punishable under Sections 399, 402 of Indian Penal Code.

As per prosecution case, the informant has received information regarding assembly of some anti social elements for planning a crime. On reaching the place for verification, co-accused Digamber Singh @ Digwa has been arrested with a mobile phone. He has stated that the petitioner was one of the persons who fled away on seeing the police party.

Learned counsel for the petitioner submits that in the garb of statement of co-accused, rerecorded in custody, the petitioner has been roped into this criminal proceeding, since he has four antecedents arising out of allegations under the Bihar Excise and Prohibition Act and other offences, since before. Even, as per the allegations, he was not arrested at the place from where co-accused Digamber Singh @ Digwa has been arrested. There is no recovery of



any incriminating material from the petitioner and co-accused Digamber Singh @ Digwa, who has stated the petitioner's name, has been allowed bail by this Court by order dated 23.12.2021 passed in Cr Misc No 36577 of 2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of accusation, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Khagaria in Chautham PS Case No 57 of 2021 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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