

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58440 of 2022

Arising Out of PS. Case No.-79 Year-2020 Thana- BARHARA KOTHI District- Purnia

Mikahil @ Md. Mikail @ Nikail @ Nikahil Son of Md. Rajjaque R/V-
Kusthan Shastri Chowk, Police Station- Bihariganj, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 392, 395, 412 and 120B of the Indian Penal Code.

According to prosecution case, four accused persons armed with deadly weapon threaten the informant along with the pick up van owner and driver of the said vehicle and took away all the money, mobile phone of the informant as well as the driver and also took the key of the pick up van with them

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that in fact, the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during



investigation on the basis of the confessional statement of the co-accused person, namely, Raju Paswan. He further submits that no incriminating article has been recovered from the possession of the petitioner 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. The petitioner is in custody since 16.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Barahara (Raghubanshpur) P.S. Case No. 79 of 2020, 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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