

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60321 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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APSAR HUSSAIN @ AFSAR HUSSAIN SON OF AKBAR MIYA @
AKBAR HUSSAIN @ AKBAR MIYAN VILL BESAKHAWA PS
KESARIYA DIST EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Jintendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2023 Heard the parties.

2. The petitioner is in custody in connection with
Dumariya Ghat P.S. Case No. 266 of 2022 for the offence under
section 392 of the Indian Penal Code lodged on 11.12.2022 by
the informant, Satish Ranjan.

3. As per the prosecution story, the allegation is that
three persons on motorcycle, on the gun point looted Rs.
1,28,300/- from the petrol pump. Accordingly the FIR.

4. Learned counsel for the petitioner submits that his
name has come in the confessional statement of co-accused
Navin Kumar, is in custody since 16.06.2023 (as stated in
paragraph 11 of the petition) but no T.I. parade has conducted.

5. Learned APP opposes the prayer for bail stating



that he has criminal antecedent of the same nature and a petrol pump has been looted.

6. Considering the fact that his name has come in the confessional statement, is in custody since 16.06.2023, no T.I. parade conducted, this Court is inclined to extend him the privilege of bail but only after framing of the charge.

7. Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Dumariya Ghat P.S. Case No. 266 of 2022 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/her 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 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.

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

(Rajiv Roy, J)

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