

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61273 of 2022**

Arising Out of PS. Case No.-248 Year-2022 Thana- KATIHAR NAGAR District- Katihar

MD. CHHOTU @ MD. SABIR S/o Md. Daud R/o Rampada, Ward no. 23,
P.S.- Nagar, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 30-01-2023 Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Katihar Town (Nagar) P.S. Case No. 248 of 2022 registered under Section 392 of the Indian Penal Code.

Two miscreants have entered the informant's shop. It is alleged that one has pointed the gun where as the other has taken way Rs. 20,000/- cash.

Learned counsel for the petitioner submits that petitioner is not named in FIR. His name has been stated by a staff of the shop as being an accomplice. Other than statement of co-accused, there is no recovery in accordance with law to corroborate the allegation against the petitioner. The recovery of Rs. 4,100/- from the petitioner's



possession is not incriminating, as there is no details as to which note numbers or series have been taken away from the informant's shop. The seizure, therefore, does not support the prosecution case. The petitioner's implication is on account of his antecedent in one case namely Katihar P.S. Case No. 364 of 2013, in which he is on bail. In the instant case, he is in custody since 09.05.2022, and investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication and period of custody, this Court is inclined to allow the prayer for bail of the petitioner.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar in Katihar Town (Nagar) P.S. Case No. 248 of 2022, 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)

Sumit/Shashank-

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