

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64716 of 2022

Arising Out of PS. Case No.-92 Year-2001 Thana- BARACHATTI District- Gaya

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RAJA MURAD @ MURAD AHMED @ MURAD AHMED ANSARI SON
OF LATE KARAR HUSSAIN R/O VILLAGE- PARASIYA, P.S.-
NAVINAGAR, DISTRICT- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 28-04-2023 1. Heard learned counsel for the petitioner and

the learned APP for the State.
2. Petitioner seeks regular bail in connection

with Barachatti P.S. Case No.92 of 2001 dated 30.05.2001

registered for the offence punishable under Section 392 of the

Indian Penal Code.
3. The main submissions advanced by the

learned counsel for the petitioner are that as per the prosecution,

the looted motorcycle is stated to have been recovered from the

possession of this petitioner but the said fact is completely false,

in fact the said motorcycle was recovered in connection with

Navinagar P.S. Case No.53 of 2001 in which the petitioner was

made accused mainly on the basis of suspicion and petitioner



was arrested after more than 20 years in the present matter mainly on the basis of his involvement in the said Navinagar P.S. Case No.53 of 2001 and after his arrest he was not put on Test Identification Parade while the informant claimed in the FIR to be able to identify the accused persons, though against the petitioner there are very old criminal antecedents of five cases in which he is on bail in all the said cases and in the present matter he has been languishing in jail since 29.04.2022. Further submission is that one co-accused namely Michael Nut @ Bhaynkar Rathour has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.57932 of 2022.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Having considered the above submissions and mainly the fact that the petitioner was made accused in the present matter on the basis of the recovery of the looted motorcycle in connection with Navinagar P.S. Case No.53 of 2001 and also the fact that the petitioner was not put on Test Identification Parade despite the informant having claimed to be able to identify the accused persons, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's



prayer, let the petitioner 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 concerned Court in connection with Barachatti P.S. Case No.92 of 2001 on the following conditions:-

- (i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.
- (ii) 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.
- (iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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