

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74748 of 2022

Arising Out of PS. Case No.-29 Year-2021 Thana- KUMAR KHAND District- Madhepura

MD. KAUSHER @ MD KAUSHAR Son of Md. Jamal R/V- Pokhariya ward
No. 1, @ Ramnagar Mahesh, P.S- Srinagar, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 17-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with
Kumarkhand P.S. Case No. 29 of 2021 for the offence registered
under Section 392 of the Indian Penal Code lodged on
27.01.2021 by the informant, Mukesh Kumar.

The prosecution story, in brief, is that on 26/01/21 at
about 15:30 hours, he was returning from Murliganj with auto
driver Shashi Singh after collecting money on behalf of N.K.
Distributors. When he reached near Pokhoria Tikulia road, four
criminals riding on two motorcycles made them to stop the
tempo on gun point and then took Rs.31,335/- from informant's



pocket and fled away. It is further alleged that one of the passerby from the place of occurrence told the informant the name of two accused persons as Md. Kaushar and Md. Kaleem @ Kalam.

Learned counsel for the petitioner submits that the alleged occurrence took place on 26.01.2021 at about 15:30 hours at Pokharia Tikulia road which comes under Shrinagar Police Station. However, 24 hours later, the FIR was lodged in Kumarkhand Police Station and no reason has been given either for not lodging the FIR immediately in the Shrinagar Police Station and/or taking 24 hours to lodge the same before a different police station. It is his further submission that he has been falsely implicated alleging therein that the informant asked from the passer-by, who gave the names of the accused persons including the petitioner herein.

Learned APP for the State opposes the prayer stating that he has criminal antecedent of the same nature.

Considering the delay in lodging the FIR as also the chain of circumstances, reasons whereof has not been assigned, the petitioner is in custody since 22.06.2022 (paragraph 14 of the petition) and will ultimately face the music, this Court is inclined to grant him relief subject to certain conditions in view



of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., IV Madhepura in connection with Kumarkhand P.S. Case No. 29 of 2021, 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year 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 his 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 the bail bonds.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

