

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77752 of 2023

Arising Out of PS. Case No.-43 Year-2021 Thana- BISHUNPUR District- Darbhanga

MD. AKBAR SON OF MD. ISLAM RESIDENT OF VILLAGE-
ABHANDA, (BAKARGANJ), PS- LAHERIASARAI, DIST-
DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the State : Mr. Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Bishanpur P.S. Case No. 43 of 2021 instituted for the offence
under Sections 394 of the Indian Penal Code.

3. From the First Information Report, it emerges that
four unknown persons accosted the informant, abused him and
demanded mobile phone from the informant and upon refusal,
one of the co-accused assaulted him by means of knife near his
thigh, and snatched the mobile phone from brother of the
informant and fled away.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 14-06-2021. Petitioner



bears twelve criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the F.I.R. Merely on confessional statement of co-accused, namely, Sunil Sahni, name of the petitioner has been surfaced in this case. It is submitted that no T.I. Parade has been conducted. Other similarly situated co-accused has been allowed bail by Co-ordinate Bench of this Court vide order dated 10-05-2023 passed in Cr. Misc. No. 9215 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, fact that no T.I. Parade has been conducted and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Bishanpur P.S. Case No. 43 of 2021 subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner commits similar type of offence in future, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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