

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74673 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- JOKIHAT District- Araria

Moid S/o Mojeeb R/o- Bagdahra, Ward No. 06,P.S.- Jokihat, District- Araria,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
23.07.2022 in connection with Jokihat P.S. Case No. 96 of 2022,
F.I.R. dated 24.02.2022 for the offences punishable under
Sections 392, 412/34 of the Indian Penal Code.

According to prosecution case, three miscreants has
intercepted the informant and assaulted him and also snatched
Rs. 4,000/- from his pocket and plundered the informant's
pickup van loaded with articles worth Rs. 7 lakh. It is further
alleged that the looted articles have been recovered by the police



from the house of the petitioner and two other accused persons.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it has come during investigation that one Waseem and other accused persons have looted the articles but the same was recovered from the house of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Marghub @ Md. Margoob Alam has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.08.2022 passed in Cr. Misc. No. 31064 of 2022. The petitioner is in custody since 23.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 96 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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