

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70511 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- JOKIHAT District- Araria

Md. Khuddam, Son of Akbal @ Md. Akbal Hussain, Resident of Kelabari,
P.S- Mahalgaon, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Jokihat (Mahalgaon) P.S. Case No. 218 of 2021
registered for the alleged offences under Section 392 of the Indian
Penal Code.

As per prosecution case, three unknown miscreants
looted the motorcycle of the informant and fled away from the
spot. During investigation, the name of the petitioner surfaced as
one of the accused persons.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case



without any material. The petitioner has been remanded in this case from Jokihat (Mahalgaon) P.S. Case No. 336 of 2021 on the basis of confessional statement of co-accused Md. Khurshid. Except this, there is nothing against the petitioner, who was not put to any test identification parade. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the other co-accused and he has been arraigned in this case merely on suspicion. The co-accused Md. Khursid and Md. Salman 2 Ashab @ Md. Ahasab have been granted bail by the different Co-ordinate Benches of this Court vide order dated 26.07.2022 passed in Criminal Misc. No. 22815 of 2022 and order dated 28.02.2023 passed in Criminal Misc. No. 70532 of 2022. The petitioner is in custody since 20.11.2021 and the charge-sheet has been submitted in this case. Learned counsel further submits that the petitioner is having criminal antecedent and out of four cases pending against him, he is on bail in three such cases.

Learned APP for the State opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner coupled with the period of custody of the petitioner and submission of charge-sheet and further considering the fact that co-accused have been



has been granted bail by the different Co-ordinate Benches, the above named petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 218 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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