

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71057 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- BANMANKHI District- Purnia

MD. IMTIYAZ, Son of Late Usman, R/v- Jorganj, P.S.- Jankinagar District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Banmankhi P.S. Case No. 200 of 2021 registered for the offence
under Section 394/34 of the Indian Penal Code and Section 27
of Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 24.07.2022.

The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while
committing so taken away total cash of Rs. 77,000/- belongs to
informant and others.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case, where his name surfaced on the basis of secret input as received by the police without having any connecting evidence. It is also submitted that no incriminating material recovered/surfaced during the course of investigation which may suggest the involvement of petitioner, *prima facie*, with present occurrence. It is also pointed out that petitioner was not put on TIP as yet. While concluding the argument, it is submitted that petitioner found involved in 2 more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered during the course of investigation to connect petitioner, *prima facie*, with present allegation coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Banmankhi P.S. Case No. 200 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate,
Purnea/concerned Court, subject to the conditions as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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