

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78991 of 2023**

Arising Out of PS. Case No.-517 Year-1999 Thana- KATIHAR NAGAR District- Katihar

Md. Rajjak S/O Late Sheikh Mohiuddin @ Bholi Miya R/O Village-
Marangi, Mansahi Narayanpur, P.S- Mansahi, Distt.- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan

For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 13-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 395 of the Indian Penal
Code.

3. As per prosecution case, about 10-15 miscreants
entered into the house of the informant after jumping the
boundary wall and fastened his hand. It is further alleged that
the miscreants took away the motorcycle, cash of Rs. 45,000/-,
household articles, several ornaments thereafter fled away.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner is not named in the FIR and the same has been lodged against unknown persons. The name of the petitioner has come into light, on the basis of spy. There is no consistent evidence has come against the petitioner. Nothing incriminating/looted articles have been recovered from the conscious possession of the petitioner. No T.I. Parade has been done. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 18.10.2022.

5. The application for bail is opposed by learned APP for the State and submitted that earlier petitioner was filed anticipatory bail petition in the year 2010, which had been rejected by this Hon'ble Court and since he has been continuously avoiding his appearance and after a long gap he surrendered before the learned Court below.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar in connection with Katihar Town P.S. Case No. 517 of 1999 with a condition:-

- (i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.
- (ii) Petitioner 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 learned Court below.

(Sunil Kumar Panwar, J)

Arish/-

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

