

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18731 of 2024

Arising Out of PS. Case No.-27 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

MD. MUSHA @ ABDUL GANI Son of Md. Hafiz Siddiqui Resident of
Baika, P.S.-Sakatpur, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ghanshyampur P.S. case No. 27 of 2021 instituted for the
offences under Sections 396 of the Indian Penal Code.

3. Prosecution case, in short, is that on the alleged
date and time of occurrence, all the accused persons caught hold
of the informant and one of the accused person assaulted on his
head with the help of iron rod, another accused put *katta* on his
head and looted cash amounting to Rs. 50,000/-.



4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case merely. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of the co-accused Saroj Yadav who has already been granted by the learned court below. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that T.I.P. has not been conducted till date. Learned counsel for the petitioner has further submitted that several co-accused persons have already been granted bail by co-ordinate Benches of this Court (as per Annexure-P series to the present bail application). It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.10.2023 and has one criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Ghanshyampur P.S. case No. 27 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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