

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40070 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- BRAHMPURA District- Muzaffarpur

Md. Mustak @ Md. Mostak S/O Md Kasim R/O Village- Chandwara, Chhit
Bhagwatipur, P.S- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Masoom Alam, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Brahmpura PS Case No. 229 of 2023 instituted for the offences
punishable under Sections 401, 411, 413 and 414 of the Indian
Penal Code.

3. As per the prosecution case, the informant states
that in course of checking, the accused persons who were on
two motorcycles made an attempt to escape. Some of them fell
down as a result of which some of the accused persons were
caught while others managed to escape.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has



falsely been implicated in this case. There is no any recovery from the conscious possession of the petitioner. Petitioner has no concern with the seized motorcycle. Petitioner is in custody since 25.09.2023. Similarly situated co-accused persons have already been granted bail by Co-ordinate Benches of this Court passed in Cr. Misc. Nos. 1056 of 2024, 2193 of 2024 and 34292 of 2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order dated 01.04.2024, it appears that the FIR has been lodged by the informant Md. Alam against seven accused persons for the offences punishable under Sections 401, 411, 413 and 414 of the Indian Penal Code. The petitioner is named in the FIR, which has been registered on the basis of written report given by one Md. Alam, SHO Brahampura. There is no any independent witness of the alleged occurrence. Similarly situated co-accused persons namely Md. Jawed @ Mohammad Jawed, has been granted bail by this Court in Cr. Misc. No. 2193 of 2024 vide order dated 20.03.2024, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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



the learned Judicial Magistrate-1st Class,
Muzaffarpur/concerned court, in connection with Brahmpura PS
Case No. 229 of 2023.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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