

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48403 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- BANIAPUR District- Saran

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Md. Imran S/O Muhmmad Chand R/O Village-Majhauri, P.S.-Baniyapur, Distt-
Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the State : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 06-09-2024 Heard Ld. counsel for the petitioner and Ld. APP
or the State.

2. The petitioner seeks bail in connection with
Baniyapur P.S. Case No. 88 of 2023, dated 16.03.2023
registered for the offences punishable under Section 395 of the
Indian Penal Code.

3. The prosecution case as emerging from the FIR is
that on 16.03.2023 at about 6:45 P.M. when the informant was
returning to his home at village Rajauri on his motorcycle, the
petitioner and his associates intercepted him and snatched his
motorcycle and some valuable articles on the point of pistol.

4. Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the Petitioner is not named in the FIR and his name has transpired in the confessional statement of the co-accused, Sonu Kumar. Moreover, the motorcycle which was allegedly robbed, has not been recovered from the conscious possession of the Petitioner. He further submits that no Test Identification Parade has been conducted in this case as yet. He further submits that the petitioner has been languishing in jail since 29.01.2024. He also submits that similarly situated co-accused, Sonu Kumar Sah @ Sonu Kumar has been granted bail by this Court vide order dated 28.06.2023 passed in Cr. Misc. No. 37185 of 2023.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has been made accused in three other cases in which he is on bail.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, this **application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-V, Saran at Chhapra in connection with Baniyapur P.S. Case No. 88 of 2023, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
Ld. court below shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J)

Chandan/S.Ali-

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