

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49813 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- DHOLBAJJA District- Bhagalpur

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Md. Fateh Alam Son Of Md. Idrish Resident Of Village - Gulam Rasul Tola,
P.S. - Puraini, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. Application for grant of bail to the petitioner, who
is in custody in connection with Dholbajja(Kadwa) P.S. Case
No.25 of 2023 registered for the offence punishable under
Section 392 of the Indian Penal Code.

3. While the informant was returning to his home
along with his pick-up van driver, in the meantime two
unknown miscreants intercepted him and on the point of pistol
snatched away Rs.1,00,000/- on the gun point.

4. Learned Advocate for the petitioner contended that
the FIR has been instituted against unknown miscreants. During
the course of investigation on the basis of CCTV footage, the



name of the petitioner has been implicated in this case showing his complicity in the crime; however, it clearly transpired that the miscreants were wearing helmet, and as such the very identification of the petitioner is quite doubtful. It is also contended that in fact on account of a long list of criminal antecedent, which are 20 in number, the name of the petitioner has been implicated in this case. It is further contended that neither the petitioner has been put to test identification parade nor any incriminating material has been recovered from the possession of the petitioner, coupled with the fact that the crime, in question, is triable by the Magistrate and now the petitioner has been incarcerated for over a period of one year.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that the 20 criminal antecedent of the petitioner clearly suggest that apart from he being habitual offender is involved in identical nature of crime and his release from the custody would embolden him to commit further crimes.

6. Regard being had to the submissions made on behalf of the parties and considering the doubtful identification of the petitioner and the period of custody, moreover, mere antecedent of a person cannot be the sole ground to keep him



behind the custody for an indefinite period unless there is some cogent material showing the complicity of the petitioner in the present crime, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Naugachia in connection with Dholbajja(Kadwa) P.S. Case No.25 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He shall mark his attendance on the local Police Station on 1st week of every month for a period of one year.

(iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(v) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(vi) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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