

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56532 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- ARARIA District- Araria

Md. Mukhtar @ Mokhtar Son of Kasim R/O Vill.- Suryapur, Ward no.15,
P.S.- Baigachhi, Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr. Kundan Kuamr Singh, learned counsel for
the petitioner and Mr. Bharat Bhushan, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
23.12.2023, in connection with Araria (Baigachhi) P.S. Case
No. 136 of 2023, F.I.R. dated 14.02.2023 registered for the
offences punishable under Sections 394 and 411 of the Indian
Penal Code.

3. Allegation against the petitioner is that the
petitioner took lift on the motorcycle of the informant and on
the way attacked on him by means of dagger and looted cash,
mobile and motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the



present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that although there is specific allegation against the petitioner that he assaulted the informant and the informant has received injury but the injury report of the injured person suggests that the injury is simple in nature and apart from that the so-called looted motorcycle was recovered from the house of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.12.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the looted motorcycle was recovered from the house of the petitioner and apart from that the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Araria in connection with Araria (Bairgachhi) P.S. Case No. 136 of 2023, subject to the following conditions :-

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

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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