

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53159 of 2024

Arising Out of PS. Case No.-103 Year-2019 Thana- KOTWA District- East Champaran

Azad Mian @ Ajaad Alam Son of Muslim Miyan @ Md Muslim Miyan R/O
Vill.- Amawa, P.s.- Kotwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kotwa
P.S. Case No. 103 of 2019 registered for the offences punishable
u/s 392 of the Indian Penal Code.

3. As per the FIR, three miscreants overtook and
stopped the motorcycle of the informant and on the point of
pistol snatched away his motorcycle, bag, purse and mobile. In
the bag, cash, ATM and bank's main door key and other
documents were kept.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has not committed any
offence as alleged in the FIR. He is not named in the F.I.R. and
has been falsely implicated in this case due to ulterior motive.



His name transpired in this case on the basis of confessional statement of the co-accused. No incriminating article has been recovered from the conscious physical possession of the petitioner. It is further submitted that the charge has been framed against the petitioner and there is no allegation against him of tampering the witnesses. The petitioner has two criminal antecedents and is in custody since 16.04.2024. Co-accused, namely, Raju Kumar has been granted bail by this Court vide order dated 12.07.2024 passed in Cr. Misc. no. 29608 of 2024.

6. Having regard to the facts and circumstances of the case, since charge has been framed, let the above named petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/Successor Court in connection with Kotwa P.S. Case No. 103 of 2019 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will



inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

Prakash/-

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