

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53756 of 2024

Arising Out of PS. Case No.-51 Year-2023 Thana- TIKAPATTI District- Purnia

Md. Hiru @ Hirwa @ Niyaz @ Heeru Son of Md. Sahebuddin R/O Vill.-
Gulam Rasul Tola Chanda, P.s.- Puraini, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Tikapatti P.S. Case No. 51/2023 registered for the offences
punishable under Section 392 of the Indian Penal Code.

3. As per prosecution case, on 20.05.2023 informant
alongwith driver hired one mini truck and proceeded with
Rs.3,85,000/- (cash) from his house for bringing goods from
Gulabbagh for his grocery shop. Thereafter, two miscreants on
one motorcycle came and intercepted the truck and at the point
of pistol, they robbed the aforesaid amount from the informant
and fled away from the place of occurrence. FIR has been
lodged against unknown.

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



in the FIR and he has falsely been implicated in this case. The petitioner is not named in the FIR. During course of investigation, the name of the petitioner has been transpired in this case upon his self-confessional statement. Except his self-confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner has been remanded in this case on 24.01.2024 from Alauli P.S. Case No. 443/2023 and since then he is languishing in jail custody. The petitioner bears criminal antecedent of 12 cases and in all cases he is on bail. Learned counsel for the petitioner orally submits that all cases are registered against unknown and later on he has falsely been implicated in all cases without any basis. Nothing has been recovered from the conscious possession of the petitioner. He further submits that no T.I.P. has been conducted by the police till date. The petitioner is not in any way connected with the alleged occurrence. Learned counsel for the petitioner orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.



6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Purnea in connection with Tikapatti P.S. Case No. 51/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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