

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53155 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- KASBA District- Purnia

Md. Mojamnil @ Md. Mojjamil Son of Md. Ajim @ Ajim R/O Vill.- Belwa
Fatkan Tola, P.S.- Jokihat, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Kasba P.S. Case No. 110 of 2024 registered for the offences punishable under Sections 392, 395 and 412 of the Indian Penal Code and Sections 25(1-B)a, 26, and 35 of the Arms Act.

3. While the informant along with other two persons were coming on a Honda Shine motorcycle, in the meanwhile, a car overtook his motorcycle and on the point of pistol, looted the motorcycle and the mobile of the informant and others.

4. Learned counsel for the petitioner contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, the name of the



petitioner has surfaced on the confessional statement of co-accused Md. Wazuddin, from whose possession the alleged looted mobile has also been recovered. The mobile phone recovered from the possession of the petitioner is not the subject matter of crime. Barring the mobile phone which belongs to the petitioner, nothing incriminating has been recovered from the person or possession of the petitioner. It is next contended that, in fact, the name of the petitioner has been remanded in this case from Baisi P.S. Case No. 104 of 2024. Prior to these two cases, the petitioner had absolutely clean antecedent. It is also the contention of the petitioner that despite the fact that the petitioner is in custody since 17.05.2024, till date he has neither been put on T.I. parade nor there is any other material showing his complicity.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that during the course of investigation, various materials have come suggesting complicity of the petitioner in the present crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that barring the confessional statement, there is no material; neither the petitioner has been put on T.I. parade nor any incriminating material has been



recovered, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Purnea in connection with Kasba P.S. Case No. 110 of 2024, 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 will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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