

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62129 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Zikurullah Ansari @ Zikurulah @ Jikrulla Ansari Son of Navijan Mian
Village - Chailha Mauze, P.S. - Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Ranjana Srivastava, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Muffasil P.S. Case No. 24 of 2023, registered
for the offence punishable under Section 392 of the Indian Penal
Code.

3. Allegedly, while the informant was coming to his
house on a motorcycle, in the meantime, three persons boarded
on a motorcycle overtook the motorcycle of the informant and
on the point of pistol, looted his motorcycle and other valuables.

4. Learned Advocate for the petitioner contended that
during the course of investigation, co-accused *Guddu Sahani*
was apprehended and the name of the petitioner has surfaced on
the confessional statement of said co-accused. Save and except



the confessional statement, there is no material suggesting the complicity of the petitioner in the crime. Neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered. Co-accused persons, having identical allegation, have been allowed the privilege of regular bail by this Court in Cr. Misc. No. 50727 of 2024 vide order dated 24.07.2024 and in Cr. Misc. No. 51571 of 2024 vide order dated 11.09.2024. It is lastly contended that, be that as it may, the petitioner has been incarcerated since 07.03.2024. The investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that altogether six criminal cases are pending against the petitioner, as has been disclosed in paragraph no. 3 of the bail application, which suggest that the petitioner is a habitual offender, involved in identical nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted. However, without there being any Test Identification Parade and apart from confessional statement,



there is no other material and co-accused persons, having identical allegation, have been granted bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil P.S. Case No. 24 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 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.
- (v) 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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