

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2708 of 2024

Arising Out of PS. Case No.-1110 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Md. Dilkash Aanshari @ Dilkhush Ansari @ Md. Dilkhush Ansari S/o Md.
Afroj Aanshari R/o Village- Boari Dih, P.S.- Gaighat, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 1110 of 2023 dated 05.09.2023, lodged
under Section 392 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against three unknown accused persons against whom,
there is an allegation of robbery of motorcycle of the informant
as well as Rs. 2,000/-.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner is not named in the F.I.R. He further submits
that the said recovery has alleged to be made from the house of
the petitioner.

5. Learned counsel for the petitioner specifically submits that the owner of the motorcycle has negotiated with one Pankaj Kumar relating to the sale of the motorcycle and has taken some money in advance but due to price dispute occurred between them and in result, the said Pankaj Kumar have removed the motorcycle from the possession of the informant but under a pre-planned way, the informant has filed this case and alleged recovery was made by the police from the house of the petitioner.

6. Learned counsel for the petitioner further submits that there is one criminal case pending against the petitioner which is not of robbery rather it is of Section 307 of the I.P.C., etc. He further submits that the petitioner is in custody since 07.09.2023.

7. Learned A.P.P. for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1110 of 2023, subject to the conditions as laid down under

Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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