

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1652 of 2025

Arising Out of PS. Case No.-195 Year-2018 Thana- BIHAR District- Nalanda

Md. Jumman @ Jumman Khan @ Jumman Mian, Male aged about 46 years,
S/O Md. Rajjak Mian, R/O Village- Gagan Diwan, P.S- Laheri, Distt.-
Nalanda, at present R/O Visyat, P.S- Meskaur, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Bihar
PS Case No.195 of 2018 dated 06.05.2018, instituted for the
offence punishable under Section 394 of the Indian Penal Code.

3. The prosecution case, in brief, is that on the alleged
date of occurrence while the informant was sleeping in house,
2/3 persons entered into his room and assaulted his daughter
with *fasuli* causing head injury. On hue and cry, they fled away
by snatching the mobile of his daughter. While fleeing away,
one mobile phone of the accused person and blood stained
fasuli fell down on the ground which were seized by the police.

4. Learned counsel for the petitioner submits that the



petitioner is not named in the FIR. FIR has been lodged against unknown persons. Only on the basis of confessional statement of Md. Mushtaque and Md. Sonnu @ Md. Jaffar, the petitioner has been made accused in this case. No test identification parade has been done till date. Further submission is that co-accused Md. Mushtaque and Md. Sonnu @ Md. Jaffar have been granted bail vide order dated 27.09.2019 and 15.04.2019 passed in Cr. Misc. No. 23107 of 2019 and Cr. Misc. No.14589 of 2019 respectively by different co-ordinate Benches of this Court and co-accused Chotoo Mahto has been granted bail by this Court vide order dated 26.0-7.2014 passed in Cr. Misc. No.40231 of 2024. Petitioner is in custody since 20.10.2024 and two cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Nalanda at Bihar Sharif, in Bihar PS Case No.195 of 2018, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on



his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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