

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2428 of 2025

Arising Out of PS. Case No.-398 Year-2023 Thana- JOKIHAT District- Araria

Md. Mustajir @ Mustasir @ Mustgir @ Gajni S/o Wasbool @ Wajbul R/o vill
- Laliya, ward no. 9, P.S.- Jokihat, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 24-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Jokihat P.S. Case No. 398 of 2023 dated 27.08.2023, instituted for the offence punishable under Sections 392/34 of the Indian Penal Code in which after investigation, the I.O. submitted charge-sheet under Section 392/411 of I.P.C. and thereafter, the learned Court below has taken cognizance under Sections 392/411 of the I.P.C.

3. The prosecution case, in brief, is that, the informant deals in vegetables. On 25.08.2023 at about 05:30 pm, the informant was returning home after realizing money of Rs. 76,400/-. In the way, the petitioner along with other accused persons chased him from Pulsar motorcycle and on the point of



pistol and sharp weapon, snatched the same amount from him as well as his mobile and fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that F.I.R. has been lodged against three persons including the petitioner. It is further stated that nothing has been recovered either from the conscious possession or from the house of the petitioner. It is next submitted that only a motorcycle, which was used in the said crime, has been recovered from the house of the co-accused Arjun Kumar, who has been granted bail vide order dated 02.08.2024 passed by this Court in Criminal Miscellaneous No. 51315 of 2024. It is also submitted that the looted amount was recovered from the house of co-accused Lukman, who has been granted bail vide order dated 04.04.2024 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 21830 of 2024. It is further submitted that the said occurrence took place on 25.08.2024 but the F.I.R. was lodged on 27.08.2024 i.e. after a delay of two days without any plausible explanation. It is also submitted that a compromise petition has been filed before the concerned court in Bail Petition No. 999 of 2024. Lastly, it has been submitted that the petitioner is in custody since 05.06.2024, he has thirteen



criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

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 learned C.J.M., Araria in Jokihat P.S. Case No. 398 of 2023, subject to the following conditions:-

1. 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.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. 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.

4. 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.

5. The petitioner shall appear before the Police Station
of his local area in the first week of each month till the disposal
of the present case.

(Khatim Reza, J)

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