

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42445 of 2025**

Arising Out of PS. Case No.-679 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

Md. Abdul Motalib S/O Md. Mustafa Ansari R/O Vill.- Pachkesar, P.s.- Karpi,
P.O.- Terra, Dist.- Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-07-2025 Heard Mr.Shailendra Kumar Singh, learned counsel
for the petitioner and Mr.Uday Chand Prasad, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
12.11.2024 in connection with Aurangabad (Town) P.S. Case
No. 679 of 2024, F.I.R. dated 26.09.2024 registered for the
offence punishable under Section 304(2) of B.N.S.,2023.

3. The brief facts of the case of the prosecution are
that on 24.09.2024 two unknown persons came on a motorcycle
and snatched the gold chain of the informant Saroj Devi and
fled away.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the



present case. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Md. Arif and nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and except the confessional statement of co-accused person, namely, Md. Arif, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused person, namely, Satish Chandra Verma @ Satish Kumar Kashyap has been granted privilege of anticipatory bail by this Court vide order dated 02.04.2025 passed in Cr. Misc. No.17339 of 2025 and co-accused persons, namely, Dhiraj Kumar, his name has also been transpired on the basis of the confessional statement of co-accused person, has been granted bail by the learned court below itself vide order dated 17.02.2024 passed in B.P.No.1157/2024 and Md. Arif, who has confessed his guilt, has also been granted bail by the learned court below itself vide order dated 29.01.2025 passed in B.P.No.62/2025 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.11.2024.

5. Learned APP for the State has vehemently opposed



the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-2 of the supplementary affidavit.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad (Town) P.S. Case No. 679 of 2024, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that 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 step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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