

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74180 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- AMDABAD District- Katihar

Md. Naim @ Naim S/o- Md. Kamruddin Resident of village- Bauliya PS-
Manihari District-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Musowir, Adv.
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 24-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Amdabad P.S. Case No. 97 of 2024 instituted for the offences
under Section 395 of the Indian Penal Code.

3. As per prosecution case, six unknown miscreants
boarded on two motorcycles intercepted the Informant,
assaulted him and snatched his bag containing Rs. 50,000/- cash
as also other belongings and fled away.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is not named in the F.I.R. as the same is instituted



against the unknown persons. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused Md. Nasim. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The mobile recovered from the possession of the petitioner is his own mobile. So far as currency notes of Rs. 20,000/- is concerned, the same belongs to the petitioner and the same is not the looted currency. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 29.05.2024 without any rhymes or reason. Learned counsel for the petitioner again submits that the co-accused namely Ajay Kumar Singh has already been granted bail by this Court vide order dated 05.10.2024 passed in Cr. Misc. No. 71183 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amdabad P.S. Case No. 97 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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