

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.564 of 2025

Arising Out of PS. Case No.-17 Year-2002 Thana- BRAHMPURA District- Muzaffarpur

Mohammad Kamarula @ Kamarula @ Md. Kamrul S/o- Dahaur Miya
Resident of Village- 130 Mansurpur Chamarva, Mansurpur, P.S.- Karja, Dist-
Muzaffarpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Ashok Kumar Jha, learned counsel for

the petitioner and Mr. Binod Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Brahmpura P.S. Case No. 17 of 2002, F.I.R.
dated 23.01.2022 for the offences punishable under Section 392
of the Indian Penal Code.

3. According to prosecution case, two miscreants on
the point of pistol looted the motorcycle of the informant and
fled away.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R and the name of the
petitioner has been transpired on the basis of the confessional
statement of the co-accused, Md. Nasir Miya S/o Hamid Miya
and he confessed the name of one Kamrul S/o Hanif as his



associate but in fact, the petitioner name is Kamrul S/o Dahaur Miya and except the aforesaid, no other material has come during investigation which suggest the name of the petitioner in the present occurrence. He further submits that the co-accused person has confessed the name of Kamrul S/o Hanif which is not the petitioner because the father's name of the petitioner is Dahaur Mitya and not Hanif.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, name of the petitioner has been transpired on the basis of the confessional statement of the co-accused and in fact, the co-accused person has confessed the name of one Kamrul S/o Hanif whereas the name of the petitioner is Kamrul S/o Dahaur Miya, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Muzaffarpur in connection with Brahmpura P.S. Case No. 17 of 2002, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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 absence on two consecutive dates without sufficient reason, his 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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