

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6249 of 2020**

Arising Out of PS. Case No.-183 Year-2015 Thana- JOKIHAT District- Araria

MD. ARIF ALAM @ RINKU Son of Malluddin Resident of Village - Chakai,
P.S.- Jokihar, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 10-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court
proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Jokihat P.S. Case No. 183 of 2015 registered
for the offences punishable under Sections 406, 420 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. He has been
involved in this case only on the basis of suspicion and without
proper identification showing his participation in the alleged
offence. It is further submitted that nothing has been recovered
from his possession and he is in custody since 10.12.2019.



Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it has been noticed by this Court that the petitioner has been involved in this case on the basis of alleged suspicion and after about four years of the alleged occurrence he has been arrested by police and remanded in the present case because of his criminal antecedent but it is the specific admission of learned APP for the State that there is no source of identification of the petitioner and nothing has come in the case diary that the petitioner has been identified by any means while participating in the alleged occurrence, nothing has been recovered from possession of the petitioner as also that he is in custody since 10.12.2019, investigation against him is complete and it is not the submission on behalf of the State that the release of the petitioner at this stage is in any way likely to adversely affect the course of trial, let the petitioner above named be released on bail in connection with Jokihat P.S. Case No. 183 of 2015 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned C.J.M., Araria, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

