

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26250 of 2020**

Arising Out of PS. Case No.-11 Year-2020 Thana- PALASI District- Araria

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Zafar, Son of Shah Nazam, Resident of Village- Damariya, Ward No. 3, P.S.-
Palasi, District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Anamul Haque, Advocate

For the Opposite Party/s : Mr.Satyanand Shukla, A.P.P.

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

4 14-12-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Satyanand Shukla, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Palasi P.S. Case No. 11 of 2020 registered for
the offence under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
name of the petitioner has been brought in this case on mere
suspicion in course of investigation, otherwise he has no
connection with the alleged occurrence. It is further submitted
that the petitioner is bonafide owner of the alleged mobile which



he had purchased from one Pahari Ray and while using the same in good faith he was arrested.

Learned counsel submits that the said co-accused Pahari Ray sold the motorcycle also to Kripanand Ray and the same has been recovered from his possession.

It is submitted that the petitioner has otherwise no criminal antecedent and his name has not transpired in the alleged act of robbery.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but has admitted after going through the case diary that the name of the petitioner has mainly transpired because he is said to have purchased the mobile from the co-accused otherwise no specific role of the petitioner has been alleged in the robbery.

Having regard to the facts and circumstances of the case and the submissions noticed hereinabove and further that the petitioner is in jail in connection with this case since 14.02.2020 and the trial is not likely to be concluded in near future and there being no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on



furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Araria in connection with Palasi P.S. Case No. 11 of 2020, subject to the condition as laid down under Section 437 (3) 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, of 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 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.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

