

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21953 of 2021**

Arising Out of PS. Case No.-15 Year-2020 Thana- BABUBARHI District- Madhubani

Md Gaffar Son Of Md. Hasim @ Hasin R/O Village- Khajauli, P.S.- Khajauli,
District- Madhubani.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 15-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 379 and other ancillary sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, unknown miscreants looted the motorcycle and bag of the informant containing mobile phone and cash Rs.5020/-.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Test Identification Parade has not been carried out till date. Petitioner's name has figured during course of investigation in confessional statement of co-accused. He is in custody since 2.5.2020. Several similarly situated co-accused



have already been allowed bail by co-ordinate bench of this Court vide orders passed in Cr.Misc.No. 37608/2020 and 10196/2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that several similarly situated co-accused have already been allowed bail and Petitioner is in custody since 2.5.2020, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, Madhubani in Babubarhi Police Station Case No. 15 of 2020 on the following conditions:-

(1) 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.

(2) 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.

(Prabhat Kumar Singh, J)

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