

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26479 of 2021**

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

MD. TUFAIL @ AEJAJ SON OF MD. JAFAR R/O VILLAGE- BHAKUA,
P.S.- KHAJALI, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr. APP

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

2 30-07-2021

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 379, 307 of the Indian Penal Code and u/s 27 of Arms Act.

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

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No looted article has been recovered from the conscious possession of the petitioner. It is submitted that name of petitioner came in this case on the basis of confessional statement of co-accused, Md. Gaffar, who has already been granted bail by this court by order dated 15.07.2021 passed in Cr. Misc. No. 21953/2021. Till date no Test Identification Parade has been carried out. Although it is stated in



paragraph 3 of the bail petition that petitioner is accused in five other cases but he is on bail in all those cases. Petitioner is in custody since 13.03.2020.

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

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, 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 Additional Chief Judicial Magistrate III, Madhubani in connection with Babubarhi PS case No. 15/2020 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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