

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31812 of 2021

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

Md Asfaque Son of Md. Belal Resident of village - Sawaldah Majhwa, Ward
No. 15, P.S. - Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan
For the Opposite Party/s : Mr.D.P.Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 27-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Narpatganj P.S. Case No. 11 of 2020, registered for the offence under Section 392 of the Indian Penal Code.

As per the prosecution case, on 09.01.2020 at about 7:00 PM, while the informant was going home on his motorcycle, three motorcycle borne miscreants stopped him and looted away cash of Rs. 10,000/- and motorcycle of the informant.

Petitioner is not named in the FIR. Name of the petitioner transpired in the confessional statement of co-accused Md. Owwesh @ Md. Obesh, who has already been granted bail



by a coordinate Bench of this Court, vide order dated 05.02.2021 passed in Cr.Misc. No. 37756 of 2020 (Annexure-2). No incriminating article has been recovered from the possession of this petitioner. In fact, the alleged stolen motorcycle belong to one Binod Kumar and till date, said motorcycle has not been put on T.I.Parade. Till date, petitioner has also not been put on T.I.Parade and he is in custody since 11.11.2020. Chargesheet has been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 11 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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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