

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25563 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- FORBESGANJ District- Araria

Md. Sarfaraz, Son of Ahmad Ansari Resident of Village - Rampur Dakshin,
Ward No. 10, P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner seeks bail in connection with Forbesganj
P.S. Case No.181 of 2020 for the offence punishable under
Sections 394, 397 of the IPC.

The prosecution story, in brief, is that on 09.03.2020
at about 5.00 A.M., in the morning, the informant along with his
villager Mithilesh Rishidev boarded on a Tempo to go to his
village- Haripur on fare of Rs. 20/- each person. The driver of
the Tempo along with other person who had boarded the tempo
turned the tempo towards BIADA, after crossing the road to
which petitioner objected them. Thereafter, the driver and other
persons on the tempo stopped the said Tempo in a lonely place



and snatched Mobile, on protest the driver of the said Tempo opened a knife and threatened to give money on threat of killing them. On protest the Tempo driver assaulted with knife in the stomach of the informant. In the meantime, other person also assaulted with knife on his thigh and hand. Thereafter, the driver of the Tempo and other person assaulted with fists and slaps to his villager Mithilesh Rishidev. On hulla, nearby persons came but they fled away by snatching their bags which contains clothes of children, bed sheet, Chocolate, Tea leaf, and cash of Rs. 500/-. The injured were admitted in hospital.

It has been submitted by learned counsel for the petitioner that petitioner is in custody since 23.05.2020. The petitioner has got no criminal antecedent. Charge sheet has already been submitted in the present case and there is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner has not been put on T.I. Parade to ascertain his participation in the alleged occurrence.

On behalf of learned counsel for the State, it has been submitted that the petitioner is not named in the FIR, however, certain articles have been recovered from the possession of the petitioner, which is evident from paragraph-4 of the case diary



as well as seizure list.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.50,000/-(Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Araria in connection with Forbesganj P.S. Case No.181 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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