

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47251 of 2021**

Arising Out of PS. Case No.-330 Year-2018 Thana- JOKIHAT District- Araria

Md Aslam @ Aslam Son of Late Asfaque Resident of Village- Matiyari Ward
No.04, Police Station- Jokihat, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 15-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Jokihat P.S. Case No. 330 of 2018 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code.

According to prosecution case, on secret information that near tea shop of village Nauvanankar chowk some criminals have assembled on three motorcycles and they are making preparation and plan for dacoity. When the informant alongwith armed forces reached there the miscreants started escaping but two miscreants were caught. Some mobile phones



and motorcycle without number plate was seized from them.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that the name of the petitioner surfaced on the confessional statement of the co-accused namely Md. Haroon and Md. Taslim @ Sabir. It is further submitted that it appears from the F.I.R. itself that two motorcycle has been recovered from the possession of the aforesaid co-accused and nothing has been recovered from conscious possession of the petitioner or the house of the petitioner. Learned counsel further submits that co-accused namely Harun @ Md. Harun and Gajni @ Mustajir have been granted bail by the different co-ordinate Benches of this court vide order dated 02.04.2019 passed in Cr. Misc. No. 19773 of 2019 and order dated 07.12.2020 passed in Cr. Misc. No. 24954 of 2020. Petitioner is in custody since 17.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries four criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, 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 the learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 330 of 2018, subject to 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 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.

3. 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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