

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38143 of 2020**

Arising Out of PS. Case No.-480 Year-2020 Thana- FORBESGANJ District- Araria

Md. Afroz S/o Md. Kalim R/o village- Rampur Dakshin, Ward No. 02, P.S.-
Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Satyendra Nr. Singh, APP

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

3 23-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Forbesganj P.S. Case No. 480 of 2020, registered for the offence under Section 392 of the Indian Penal Code.

As per the prosecution case, on 18.06.2020, four bike-borne unknown miscreants robbed the informant and took away cash worth Rs. 28000/-, papers of driving licence alongwith two mobile phones, one of Jio and the other of Oppo.

It is submitted on behalf of petitioner that petitioner is not named in the FIR and his name has come on the basis of confessional statement of co-accused. It is further submitted that from the seizure list, it is apparent that only a Samsung mobile has been recovered from possession of petitioner, which was not of informant. It is further submitted that one similarly situated co-accused namely Md. Naushad has already been granted bail by this Court, vide order dated 02.02.2021 passed in Cr.Misc.



No. 37177 of 2020. Petitioner has no criminal antecedent and he is in custody since 28.06.2020.

Considering the aforesaid facts & circumstances and the fact that no looted article has been recovered from conscious possession of petitioner and petitioner has got clean antecedent, the bail application 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 Forbesganj P.S. Case No. 480 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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