

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7893 of 2021

Arising Out of PS. Case No.-100 Year-2019 Thana- DIGHALBANK District- Kishanganj

Shams Alam alias Shams Zafar alias Md Shams Zafar, aged about 23 years,
Male, son of late Ans Zafar alias Ahsanul Mujaffar Resident of village-Pipal
Tora Kutti, Police Station- Angardh, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate
For the State : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 11-08-2021 In view of the sudden resurgence of Covid-19 infection,

there is limited functioning of the High Court and, therefore, the

matter has been listed today for consideration through virtual

mode.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in Dighalbank PS Case No. 100
of 2019, instituted for the offence under Section 392 of the
Indian Penal Code.

After collecting 2,07,435/- Rupees from Female self help



group, the informant was proceeding for deposit of the same when four persons have allegedly accosted him on two motorcycles and snatched the money, his mobile phone and have fled away.

The learned counsel for the petitioner submits that F.I.R. is against unknown persons. On account of the criminal antecedents of the petitioner, he has falsely been implicated in this case by mentioning his name in the confessional statement of co-accused Rukhsaad Alam @ Ruksad Alam @ Ruqushad Alam and obtaining the petitioner's self confession in police custody. Co-accused Rukhsaad Alam @ Ruksad Alam @ Ruqushad Alam has been allowed bail in Cr. Misc. No. 37062 of 2020. Till date the petitioner has not been put on Test Identification Parade though as per allegation the informant has seen the perpetrators. There is no recovery of any incriminating material from the petitioner and he is in custody since 27.05.2020.

The learned APP representing the State has opposed the prayer for bail. It is submitted that the petitioner has confessed his guilt. The Call Detail Record shows the petitioner's presence near the place of the occurrence at the time of the alleged occurrence and he has several criminal antecedents.



Considering the rival submissions, 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 Kishanganj**, in connection with **Dighalbank PS Case No. 100 of 2019**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

shyambihari/-

(Madhuresh Prasad, J)

U		T	
---	--	---	--

