

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8230 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- ALOULI District- Khagaria

MD. RASID @ RAJA MOHAMMAD Son of Md. Rajjak Resident of Village
- Belahi, P.S.- Bithan, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-05-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard both parties.

The petitioner seeks bail in Alauli P.S. Case No. 102
of 2020, registered for the offence punishable under Section 392
of the Indian Penal Code and section 27 of the Arms Act. Later
on, 395 IPC was added.

As per the prosecution case, on the alleged date and
time of occurrence while the informant and his friend were
going to Customer Service Centre on vehicle, on the way, two
miscreants came on motorcycle and forcibly stopped them and
on the point of pistol took away the key, cash of Rs. 4 lakhs
which was kept in the dicky and mobile and thereafter, they



fled away.

It is submitted that petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case on the basis of confessional statement of co-accused Ajay Mukhiya. No incriminating article has been recovered from possession of this petitioner. No test identification parade has been held till date. Petitioner is in custody since 30.06.2020. Chargesheet has already been submitted.

Learned APP, however, vehemently opposed the bail application.

Considering the fact nothing has been recovered from conscious possession of the petitioner, TIP has not been held till date and has got clean antecedent, the petitioner above-named, is directed to be enlarged 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, Khagaria in connection with Alauli P.S. Case No. 102 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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