

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4766 of 2022**

Arising Out of PS. Case No.-44 Year-2021 Thana- PAHARKATTA District- Kishanganj

MD JAWED @ MD JAWED ALAM S/o Pasir Resident of Village-
Kusyarbari, P.S.- Paharkatta, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 28-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Paharkatta P.S. Case No. 44 of 2021 registered for the offence
under Sections 392, 395 and 412 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 19.07.2021.

The allegation against the petitioner is to commit
robbery/dacoity and while committing so taken away cash of
Rupees. 1,69,500/- along with other valuables of the informant.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the basis of



confessional statement of co-accused Md. Tausif Raza after apprehending in Paharkatta P.S. Case No. 61 of 2021. It has further been submitted that nothing surfaced / recovered during course of the investigation, which may connect the petitioner with the present set of occurrence. While concluding the argument, it has been submitted that TIP has not been completed and moreover, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that name of the petitioner has surfaced on the basis of confessional statement of the co-accused.

Considering the facts and circumstances as mentioned above, as the name of the petitioner has surfaced on the basis of confessional statement of co-accused, leading no recovery, which may connect or incriminate the petitioner with the present occurrence coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Paharkatta P.S. Case No. 44 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Kishanganj, subject to the following conditions:



“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Pasir, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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