

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10179 of 2022**

Arising Out of PS. Case No.-475 Year-2021 Thana- SUPAUL District- Supaul

Md. Irshad S/o Shaukat Ali R/o Village- Rajpur, P.S.- Kisanpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Patla Kumari, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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

3 11-07-2022 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 Supaul
P.S. Case No. 475 of 2021 registered for the offence under
Section 392 of Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 03.09.2021.

The allegation against the petitioner is commit
robbery and while committing so, taken away the car and
mobile phones of the informant, while going to Supaul.

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



of confessional statement of co-accused, namely, Sarfaraz @ Chhotu, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 56287 of 2021 dated 29.03.2022. It submitted that nothing incriminating recovered from the conscious physical possession of the petitioner, which may incriminate him in the present set of occurrence. It is further submitted that, as per seizure list, recovered mobile is also disputed as the specification of mobile recovered did not match with the specification of the mobile, which has been alleged to be looted. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as alleged recovery of mobile is disputed, in view of the specification of the mobile of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Supaul P.S. Case No. 475 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 Chief Judicial Magistrate, Supaul, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Md. Tauheed Alam, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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