

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12487 of 2022**

Arising Out of PS. Case No.-237 Year-2021 Thana- FORBESGANJ District- Araria

MD RUSTAM @ MD RUSTAM ANSARI Son of Sadrul @ Sadrul Ansari
Resident of Village - Jumman Chowk, P.s.- Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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

2 13-07-2022 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
Forbesganj P.S. Case No.237 of 2021 registered for the offence
under Sections 379, 411 and 414 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 20.07.2021

The allegation against the petitioner is to commit theft
along with other co-accused persons, while committing so taken
away motorcycle 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, namely, Md. Siddique Ansari and nothing incriminating has been recovered in furtherance of the said confession, during course of the investigation, which may connect the petitioner with the present set of occurrence. It has further been submitted that petitioner is involved in other 04 cases of similar nature, in which, he is on bail and in most of the cases, his name surfaced on the basis of confessional statement of co-accused, as of present case. While concluding the argument, it has been submitted that investigation has been completed, for which, 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 petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from conscious physical possession of the petitioner, which may incriminate the petitioner with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Forbesganj P.S. Case No. 237 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 C.J.M., Araria/concerned court, 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 Hafaz Uddin, who is the father-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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