

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11507 of 2022

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

MD SARFRAZ @ SARFRAZ Son of Md. Salauddin Resident of Village -
Khankah, CHatargachh, P.s.- Paharkatta, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2022 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
Paharkatta P.S. Case No. 44 of 2021 registered for the offence
under Sections 392, 395 and 412 of I.P.C.

The accused/petitioner is not named in the F.I.R. and
is in custody since 19.11.2021.

The allegation against the petitioner is to commit
robbery and while committing so taken away cash of Rs.
1,69,500 of the informant on gun point.

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



self confession, while apprehending in Paharkatta P.S. Case No.61 of 2021 and is not a case of recovery, which may connect the petitioner with the present occurrence. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 58458 of 2021 dated 04.02.2022. It has further been submitted that petitioner was never put on TIP. While concluding the argument, it has been submitted that 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 FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating has been recovered from the conscious physical possession of the petitioner, which may connect or implicate the petitioner with the present set of 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 A.C.J.M. III, 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 Md. Saddam Hussain @ Md. Saddam, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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