

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15195 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- TARABARI District- Araria

Md. Ekram @ Sanichara @ Aikram S/o Late Serajul @ Serajuddin R/o
village- Chakai, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Shantanu Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-08-2022 Heard Mr. Gopal Kumar Jha, learned counsel
appearing on behalf of the petitioner and learned Mr. Shantanu
Kumar, A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Tarabari P.S. Case No. 56 of 2021 for the offence punishable
under Section 392 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

Prosecution story, in brief, is that the petitioner along
with other miscreants posing themselves as officials of the
District Transport Office cheated the driver of the informant and
thereafter they forcibly looted the tractor on which building
materials including iron rods were loaded. The miscreants also



snatched one mobile phone of the driver of the tractor. The F.I.R. is against unknown.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and no such offence as alleged has been committed by him. The F.I.R. is against unknown and due to enmity he has been made accused in the present case. Though in the test identification parade, the petitioner has been identified by the informant. The informant was on inimical terms with the petitioner. The stolen tractor which was looted was not recovered from the possession of the petitioner. Petitioner is in custody since 27.10.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submitted that the petitioner is a veteran criminal and three cases are pending against him. The driver of the informant has identified the petitioner at the time of test identification parade and as such, the allegation made in the F.I.R. is substantiated and it is the petitioner who had looted the tractor and the mobile phone of the driver of the informant. However, he submitted that the tractor was not recovered either from the house of the petitioner or possession of the petitioner. Petitioner don't deserve to be released on bail.

Considering the facts and circumstances of the case



and rival submissions of the parties, without going into the merits of the case, it appears that prima facie the petitioner has made out a case that nothing was recovered from his conscious physical possession, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Araria in connection with Tarabari P.S. Case No. 56 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that



**the petitioner is involved in some other cases as what has
been stated in Para-3 of the bail petition, this order will
automatically loose its force.**

(Purnendu Singh, J)

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