

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10105 of 2022

Arising Out of PS. Case No.-600 Year-2021 Thana- MADHEPURA District- Madhepura

MD. BITTU @ ASLAM S/o- Md. Saifat Ali @ Mohammad Sefat Ali
Resident of Village - Masjid Chowk, Ward No. 11, P.S. - Madhepura, District
- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17216 of 2022

Arising Out of PS. Case No.-600 Year-2021 Thana- MADHEPURA District- Madhepura

MD. SAHIM @ SAIME @ SAIM @ MD. SAMIM Son of Md. Saffudin @
Sulat @ Md. Sulat Resident of Village - Rajpur, Ward No. 15, P.S.-
Madhepura (Bharahi O.P.), District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10105 of 2022)

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.APP

(In CRIMINAL MISCELLANEOUS No. 17216 of 2022)

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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



Madhepura (Bharrahi O.P) P.S. Case No. 600 of 2021 registered for the offence under Section 392 of the 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 to commit robbery, along with other co-accused persons, and while committing so taken away pickup van and cash of Rs. 11,250/- belongs to the informant.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of self confession, where nothing surfaced, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/robbery. It is submitted that petitioner was not put on TIP, as yet, despite of fact that the informant was the eye witness of the occurrence. It is further submitted that similarly situated co-accused persons namely, Sushant Kumar and Jitendra Kumar Yadav, have already been granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 31258 of 2022 vide order dated 01.09.2022 and Cr. Misc. No. 72505 of 2021 vide order dated 30.05.2022 respectively. It is also submitted that name of the petitioner surfaced in the present case due to his criminal antecedent as he



found involved in four(4) criminal cases prior to this occurrence, having otherwise no bearing over the merit of this case. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced, during the course of investigation, to connect this petitioner, *prima facie*, 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 Madhepura (Bharrahi O.P) P.S. Case No. 600 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, Madhepura/concerned Court, 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 learned Trial Court till conclusion of the trial



and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

In. Cr. Misc. No. 17216 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

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The petitioner seeks bail in connection with Madhepura (Bharrahi O.P) P.S. Case No. 600 of 2021 registered for the offence under Section 392 of the 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 to commit robbery, along with other co-accused persons, and while committing so taken away pickup van and cash of Rs. 11,250/- belongs to 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. Bittu, where in



furtherance thereof, no incriminating material surfaced/recovered, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/robbery. It is submitted that petitioner was named by the said co-accused, Md. Bittu, due to previous enmities, having litigating terms. It is further submitted that petitioner was not put on TIP, as yet. It is further submitted that similarly situated co-accused persons namely, Sushant Kumar and Jitendra Kumar Yadav, have already been granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 31258 of 2022 vide order dated 01.09.2022 and Cr. Misc. No. 72505 of 2021 vide order dated 30.05.2022 respectively. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced, during the course of investigation, to connect this petitioner, *prima facie*, 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 Madhepura (Bharrahi O.P) P.S. Case No. 600 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, Madhepura/concerned Court, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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