

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17435 of 2022**

Arising Out of PS. Case No.-33 Year-2020 Thana- LAUKARIA District- West Champaran

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Azad @ Md. Azad S/O Bashir Mian R/O Village- East Banu Chhapar, P.S.-  
Bettiah Muffasil (Banuchhapar), District- West Champaran, At Present House  
No. 51, Kh. No. 619/39, Chhatarpur, South Delhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      07-07-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
one month.

Heard learned counsel for the petitioner and the learned  
APP for the State.

Petitioner seeks regular bail in connection with  
Laukariya P.S. Case No. 33 of 2020 registered under Section 394  
of the Indian Penal Code.

Allegedly 4 accused persons looted 5000+25000+9000  
and mobile phones from the possession of informant, his brother  
and one neighbour and also caused knife injury to the informant.

The main submissions advanced by learned counsel for  
the petitioner are that the FIR was lodged against unknown  
persons, the name of petitioner came into light in the confessional  
statement of non-FIR-accused namely, Saif Ali and Mithun Kumar  
except this there is no material against the petitioner to connect



him to the alleged occurrence and after his arrest no recovery of the alleged looted articles was made from his possession. Further submission is that after the arrest petitioner was not put to identification parade and he himself surrendered before the Court below in connection with P.S. Case No. 36 of 2020 in which he was granted bail by the Court below itself and the investigation in the present case is complete against the petitioner.

Further submission is that the petitioner has been residing in Delhi for 5 years in connection with his education.

Learned APP for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this case and considering the above submissions and mainly the facts that as per above submission the prosecution is mainly relying upon the statement of co-accused recorded by the police during the investigation with regard to the implicity of the petitioner in the alleged crime and after his arrest no identification parade was made by the police from the petitioner as submitted, in my view a lenient approach can be taken in respect of petitioner's prayer let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Laukariya P.S. Case No. 33 of 2020, on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

**(Shailendra Singh, J)**

sangam/-

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