

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31238 of 2021**

Arising Out of PS. Case No.-255 Year-2018 Thana- TARAIYA District- Saran

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MASUM ALI Son of Late Rajadin Miyan Resident of Village- Sareya, P.S.-
Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 09-02-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Taraiya P.S. Case No. 255 of 2018 registered for the offence
under Sections 392 of the Indian Penal Code.

Three unknown persons are said to have looted the
vehicle bearing registration No. BR-01PG-4097 of the
informant.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been



implicated in this case. In fact, the petitioner has been made accused in this case merely on the basis of confessional statement of the co-accused, namely, Saddam Ali @ Fahim Ali, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 26.03.2019 passed in Cr. Misc. No. 16887 of 2019. Save and except the confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. Moreover, neither anything incriminating has been recovered from the possession of the petitioner nor the petitioner has been put on T.I.P by the prosecution as yet. The petitioner is rotting in judicial custody since 29.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned A.C.J.M.-IX, Saran at Chapra in connection with Taraiya P.S. Case No. 255 of 2018 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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