

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25378 of 2022

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

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Lalu @ Devid @ Lalu Davit @ Gulab Moajjam, S/o Md. Moajjam @
Moajjam Resident of Village - Chirah, Ward No.- 3, P.S. - Jokihat
(Mahalgaon), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2022 Heard Mr. Anil Prasad Singh, learned counsel

appearing on behalf of the petitioner and Mr. Nawal Kishore

Prasad, learned 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.

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 has been made accused on the confessional statement of co-accused Md. Ekram @ Sanichara @ Aikram while the petitioner was arrested in connection with Jokihat P.S. Case No. 246 of 2021, the petitioner was forced to confess in Police custody that he has also committed crime as alleged in the F.I.R. He further submitted that the confessional statement has not laid to any recovery of any looted article rather the articles which were looted has been recovered from the co-accused Ekram @ Sanichara. He further submitted that petitioner has not been put on T.I.P till date. The Chargesheet has already been submitted. The petitioner has been implicated in this case just because six other cases are pending against the petitioner. The petitioner is in custody since 21.10.2021, on these grounds the petitioner seeks to be released on bail.

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 six cases are pending against him. It would not be in the interest of society to enlarge the petitioner on bail as there is very likelihood the petitioner will again



engage in such offence.

Having considered the rival submissions of the parties, the F.I.R. has been instituted against unknown, the name of petitioner has surfaced in the present case on his own confessional statement in connection with Jokihar P.S. Case No. 246 of 2021 due to enmity as also disclosing the name of the petitioner that he was also involved in the crime. However, no recovery has been made either from the conscious possession or from the house of the petitioner. In this regard, the petitioner has made specific statement in paragraph No. 13 of the bail application. The Chargesheet has already been submitted. He further submitted that co-accused Md. Ekram @ Sanichara on whose confession, the petitioner has been made accused in the present case has already been released on bail by this Court and similarly situated co-accused Rehan has also been released on bail by co-ordinate Bench of this Court vide order dated 29.06.2022 passed in Criminal Miscellaneous No. 8793 of 2022,

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.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the



**concerned SHO of the Police Station shall submit his
monthly attendance report to the Superintendent of Police
having jurisdiction.**

(Purnendu Singh, J)

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