

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36113 of 2021

Arising Out of PS. Case No.-171 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Arhan Akhter @ Arhan Son of Md. Junaid Akhter Resident of Village -
Mahadevdighi, P.O.- Sontha, P.S.- Bahadurganj, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Kochadhaman P.S. Case No. 171 of 2020 registered for the offences punishable under Sections 392 of the Indian Penal Code.

According to prosecution case, informant gave fardbeyan before the police alleging therein that he reached at Baigana with collected Rs.1,05,115/- in the meantime two persons stopped him and miscreants looted away cash of Rs.1,05,115/-, official documents, tablate and fled away.

Learned counsel for the petitioner submits that



petitioner is not named in the F.I.R. and he is innocent and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused namely Md. Niyaz Alam. He further submits that nothing has been recovered from conscious possession of the petitioner or the house of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.01.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 171 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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