

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29143 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- BARGAINIA District- Sitamarhi

MD. SAIF ALI Son of Ali Akbar Sah Resident of Vill. - Majgawan Parsauni,
P.S.- Bairgania, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sangeet Deokuliar
For the informant	:	Mr. Devendra Kumar
For the Opposite Party/s	:	Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Bairgania P.S. Case No. 45 of 2022/G.R. Case No. 475 of 2022 registered for the offences punishable under Section 394 of the Indian Penal Code read with Sections 25(1-b)a, 26 & 35 of the Arms Act.

As per prosecution case, the informant alongwith his nephew, keeping Rs. 2,00,000/- in a bag, was going to his house after closing his shop . In the way three miscreants came on a motorcycle and pointed pistol on the informant and



snatched the bag of money of the informant. One person who pointed out the pistol was apprehended and he disclosed his name as Sarfaraj Alam. Apprehended person disclosed the name of persons who fled away as Satyam Kumar and one unknown.

Learned counsel for the petitioner submits that petitioner is in custody since 24.02.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. F.I.R. is lodged against Sarfaraj and Satyam and one unknown. Name of present petitioner came in the case on confessional statement of co-accused Sarfaraj Alam. Learned counsel further submits that as a matter of fact the name of present petitioner has been said by the local Chowkidar through the mouth of co-accused Sarfaraj Alam as the said Chowkidar has inimical terms with the father of the petitioner. Learned counsel further submits that from the perusal of F.I.R. it appears that co-accused Sarfaraj Alam has disclosed the name of co-accused Satyam Kushwaha but did not pointed the name of present petitioner. The name of present petitioner has come in subsequent stage which is nothing but an after thought. Nothing incriminating has been recovered from



the conscious possession or personal possession of the present petitioner. Co-accused Sarfaraz Alam, who is apprehended on spot, has already been granted bail vide Cr. Misc. No. 31634 of 2022 by a co-ordinate bench of this Court and the case of present petitioner stands on better footing.

The learned A.P.P. for the State as well as counsel of informant vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Bairgania P.S. Case No. 45 of 2022/G.R. Case No. 475 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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