

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31064 of 2022**

Arising Out of PS. Case No.-96 Year-2022 Thana- JOKIHAT District- Araria

MARGHUB @ MD. MARGOOB ALAM S/o Ismail @ Israeel R/o village-  
Bagdhara, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                    |
|----------------------------|---|------------------------------------|
| For the Petitioner/s       | : | Mr.Krishna Pd. Singh, Sr. Advocate |
|                            |   | Ms. Meena Singh                    |
| For the Opposite Party/s : |   | Mr.Bharat Bhushan                  |

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

2      25-08-2022                      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 State.

Petitioner seeks regular bail in a case registered for the  
  
offences punishable under Sections 392, 412/34 of the Indian Penal  
  
Code.

As per prosecution story, informant loaded Asian paints,  
  
edible oil and other articles in his Bolero vehicle and thereafter he  
  
started his travelling by his vehicle to deliver loaded articles and on  
  
the way, he was stopped by three miscreants who were riding on a  
  
motorcycle and thereafter the accused looted Rs 4000/- from the  
  
pocket of the informant and also took away said vehicle with loaded  
  
articles worth Rs 7 lakh and after that the police arrived there



immediately and on the basis of GPS system's information which was installed in the looted vehicle the police recovered the same from the house of co-accused Moin who revealed the name of this petitioner as being involved in the offence of loot.

The main submissions advanced by Sri. Krishna Pd. Singh, the learned senior counsel for the petitioner are that the petitioner was not arrested at the spot and his name transpired in the statement of co-accused Wasim who looted the vehicle and articles and except confessional statement, there is no material against the petitioner and after his arrest, petitioner was not put on test identification parade and no incriminating article to connect the petitioner to alleged offence of loot was found from his possession and petitioner has been languishing in jail since 25.2.2022. Further submission is that against the petitioner, there is one criminal antecedent in which he is on bail.

Sri Bharat Bhushan, learned APP appearing for the State has opposed the prayer for bail.

Considering above submissions and mainly taking into account the fact that petitioner's name came in the statement of co-accused who was arrested along with looted vehicle and articles and the petitioner has taken plea that no looted article or any other material has been recovered from his possession, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. 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 the Chief Judicial Magistrate, Araria in Jokihat P.S Case No. 96 of 2022 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 tampers 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.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Jokihat P.S Case No. 427 of 2021 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

**(Shailendra Singh, J)**

s.hassan/-

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