

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30994 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- HULASGANJ District- Jehanabad

MD. ASRAF @ MD. ASRAF MIYAN Son of Shaloudin Miyan Resident of
Village - Hulasganj, P.S.- Hulasganj n the Distt. of Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2022 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
Hulasganj P.S. Case No. 61 of 2022 registered for the offences
punishable under Sections 379, 411/34 of Indian Penal Code.

As per prosecution case, informant along with
other guards apprehended two boys with stolen solar battery. On
query the apprehended persons disclosed their name as Ankit
Kumar and Anshu Kumar. Both the apprehended persons further
disclosed that three days earlier they had stolen solar battery and
sold the same to Kabari shop of Asraf (Petitioner). Md. Asraf
(petitioner) has confessed that he has purchased 28 Kg battery



from the apprehended boys which was sold to the co-accused Sunil at Islampur.

Learned counsel for the petitioner submits that petitioner is in custody since 09.04.2022. 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 no incriminating material has been recovered from the present petitioner. He has been falsely implicated in this case merely on suspicion and he has been implicated in the present case on the basis of disclosure of apprehended co-accused persons Ankit Kumar and Anshu Kumar. Except the disclosure made by apprehended accused persons nothing has been found against the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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 Smt. Priyanka Kumari learned Judicial Magistrate, 1st Class, Jehanabad in connection with Hulasganj P.S. Case No. 61 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 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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