

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31007 of 2022

Arising Out of PS. Case No.-151 Year-2021 Thana- SUPAUL District- Supaul

Md. Aftaz @ Md. Aftab @ Md. Altaf Son of Md. Islam Resident of village -
Gobargadha, P.S. - Bheja, District - Madhubani, At present resident of village
- Nisiharpur, Ward No.- 2, P.S. - Shankarpur, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Thakur Brajesh Singh, Advocate

For the Opposite Party/s: Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be re-
moved within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Section 394 of the
Indian Penal Code.

Allegation is of snatching of motorcycle bearing Reg-
istration No. BR-50C-5894 and one mobile phone from the in-
formant thereafter, he lodged F.I.R against the four unknown
persons.

Learned counsel for the petitioner submits that the pe-
titioner is innocent and has not committed the offence. It is fur-



ther submitted that the petitioner is not named in the F.I.R. During the course of investigation, the only material found against the petitioner is that a SIM was being used in the looted mobile, which was allegedly issued in the name of the petitioner. Nothing has been recovered from the possession of the petitioner. Till date, no Test Identification Parade (T.I.P) has been made. It is also submitted that the petitioner's Aadhaar Card has been used by someone else for issuance of SIM and the petitioner has never used the looted mobile. The petitioner is in custody since 22.01.2022, charge-sheet has been submitted in this case and antecedent of two cases.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 151 of 2021, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

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