

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32454 of 2022

Arising Out of PS. Case No.-168 Year-2020 Thana- RAHIKA District- Madhubani

MD. SARFE @ SARFE ALAM Son of Late Anwarul Mansoori Resident of
Village - Licchi Bagan Ward No.-1, Bhairo Kothi, P.S. - Sitamarhi, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

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 Rahika P.S.
Case No. 168 of 2020 registered for the offences punishable under
Sections 379 of the Indian Penal Code.

As per prosecution case, as usual owner of shop Rakesh
Kumar along-with other staffs closed the shop in night and went
their respective house after parking the tractors in question in front
of his shop. In the morning while the informant came at the shop
then he found that tractors in question are missing.

Learned counsel for the petitioner submits that
petitioner is in custody since 22.02.2022. Petitioner bears criminal



antecedent of four cases. 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. During course of investigation on the disclosure of co-accused Jitu Khatbe arrested by police from his house in the morning and accordingly, police recorded his extra judicial confessional statement on 08.01.2021 in which he confessed his guilt and disclosed the name of the petitioner and others, except this nothing has been recovered from the possession of the petitioner. No incriminating article has been recovered from the possession of the petitioner. Learned counsel further submits that co-accused against whom the recovery has been made has already granted bail by co-ordinate bench of this Court vide 28077 of 2021 and the case of present petitioner stands on better footing in comparison with the co-accused.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and the co-accused against whom recovery has been made has already granted bail and also taking into consideration the material available on record, let the petitioner above named be



released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Ashutosh Ravi, learned Judicial Magistrate, 1st Class, Madhubani in connection with Rahika P.S. Case No. 168 of 2020, 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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