

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36918 of 2022

Arising Out of PS. Case No.-1115 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Md. Sufiyan Alam @ Bhutwa Son Of Ayub Alam R/O Village- Ujani Ward
No.-08, P.S.- Naugachia, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with K. Hat (Maranga) P.S. Case No.1115 of 2021 instituted
under Sections 392 of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that his vehicle was booked for Bihar and as during
return journey, it crossed Maranga Toll Plaza a Scorpio
intercepted his vehicle, they were forced to sit in the said
vehicle. While the other accused ran away with the said pickup
van, his driver and event staffs were tied in the forest. The
further allegation is of looting of laptop of Dell company, one
piece Led bulb lights boxes and thirty pieces of Led Vapour



light that that were kept in the vehicle.

Learned counsel for the petitioner submits that the case has been lodged against unknown and during investigation, Abhishek Kumar was apprehended who in his confessional statement named this petitioner. Accordingly, he came into the custody on 06.03.2022. His last submission is that one of the co-accused, Abhishek Kumar has since been granted privilege of bail vide Cr. Misc. No.33292 of 2022 dated 05.09.2022 by a co-ordinate Bench of this Court.

Taking into account the fact that the petitioner is in custody since 06.03.2022, has no criminal antecedent, his name has come in the confessional statement of Abhishek Kumar who has since been released on bail, as stated above, this Court is inclined to grant privilege of bail. If, however, it is found that he do have criminal antecedent the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with K. Hat (Maranga) P.S. Case No.1115 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Purnea, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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