

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50556 of 2021

Arising Out of PS. Case No.-58 Year-2019 Thana- KAJRAILICHAK District- Bhagalpur

MD.BABAR @ WALI, Son of Md. Ali Resident of Village - Habibpur
(Bhatuabari), P.S.- Habibpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-02-2022 Heard the learned counsel for the petitioner and the
learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Kajraili
P.S. Case No. 58 of 2019, instituted for the offences under
Sections 394, 411 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 01.08.2019, chargesheet has been
submitted and charges have been framed.

The learned counsel for the petitioner further submits
that informant alleges that staff informed that some miscreants
have looted money from the petrol pump, accordingly, the
informant reached the place of occurrence and saw that the
police had already arrived and had apprehended three accused
persons including the petitioner and from the petitioner, looted



bag of money was recovered.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He along with his friends had gone to the petrol pump for taking petrol in the bike and there was a verbal duel between the petitioner and the petrol pump staff on account of which the present false case came to be instituted. The learned counsel further submits that though it is alleged that the looted bag was recovered from the petitioner but from perusal of the seizure list, it would manifest that only Rs. 1434/- was recovered. As such, it is submitted that it absolutely does not stand to reason that for Rs. 1434/-, the petitioner would have committed the occurrence and further submits that at petrol pump the sale continues from morning till night and hence it is difficult to believe that the bag would have contained only Rs. 1434/-. This in itself demonstrate that the occurrence happened in a different manner and the petitioner came to be implicated in a different way.

The learned A.P.P. vehemently opposes the bail application.

Considering the fact the petitioner is in custody since 01.08.2019, charges have been framed, the petitioner, above-



named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-14, Bhagalpur, in connection with Kajraili P.S. Case No. 58 of 2019, with a condition that one of the bailor shall be the father of the petitioner, Md. Ali, and in the event if the petitioner on two consecutive dates does not appear in the trial, the Court below will forthwith cancel his bail bond.

The application stands allowed.

(Satyavrat Verma, J)

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