

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43828 of 2022

Arising Out of PS. Case No.-738 Year-2021 Thana- MADHAURAH District- Saran

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MERAJ ANSARI Son of Mokhtar Ansari Resident of village- Sipah Khas
P.S- Manjhagarh, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2022 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
Madhowrah P.S. Case No. 738 of 2021 registered for the
offences punishable under Sections 395 and 412 of I.P.C .

As per prosecution case, from the shop of
informant Rs. 2,00,000/- as well as jewelery, money and costly
clothes from the house were taken away by three unknown
miscreants and the case has been lodged against three unknown
persons.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. His name has been transpired



in the case upon the confessional statement of co-accused Braj Kishor Kumar as mentioned in impugned order. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of present petitioner with the alleged occurrence. He further submits that petitioner is in custody since 25.03.2022 and bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that looted mobile was recovered from co-accused Dablu Singh. He further submits that no TIP was conducted. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and falsely implicated in the case.

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, period of custody, nothing has been recovered from his possession as submitted, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 learned C.J.M Saran at Chapra in connection with Madhowrah P.S. Case No. 738 of 2021 , 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)

vashudha/-

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