

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42951 of 2022

Arising Out of PS. Case No.-752 Year-2021 Thana- SITAMARHI District- Sitamarhi

MD. GUFRAN SON OF MD. AHASAN R/O VILLAGE- MEHSAUL GOT,
WARD NO.-05, P.S.- SITAMARHI, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh, Adv. Mrs.Divya Bharti, Adv.
For the Opposite Party/s	:	Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2022 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 Sitamarhi P.S. Case No. 752/2021 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per prosecution case, the informant's mobile as well as motorcycle have been snatched by four miscreants and fled away. FIR against unknown.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of



petitioner transpired in this case on the basis of confessional statement of co-accused Md. Mistar @ Afjal Hussain. The petitioner is languishing in custody since 18.05.2022 and bears criminal antecedent of 03 cases in which he is on bail in all cases. No incriminating article has been recovered from the conscious possession of the petitioner. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner has not been put on T.I. Parade up till now. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, petitioner is not named in the FIR, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 752/2021, 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)

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