

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44754 of 2022

Arising Out of PS. Case No.-482 Year-2022 Thana- FORBESGANJ District- Araria

1. MD. NAAZIM SON OF MD. ISLAM R/O MOHALLA- MADARGANJ, P.S.- (SIMRAHA) FORBESGANJ, DISTRICT- ARARIA
2. MD. MANSOOR SON OF MD. KAFIL RESIDENT OF MOHALLA- MADARGANJ, P.S.- (SIMRAHA) FORBESGANJ, DISTRICT- ARARIA
3. MD. SOHEL SON OF MD. SHAMIM RESIDENT OF MOHALLA- MADARGANJ, P.S.- (SIMRAHA) FORBESGANJ, DISTRICT- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Pronoti Singh

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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Forbesganj (Simraha) P.S. Case No. 482 of 2022 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per prosecution case, informant alongwith his father-in-law and brother-in-law was going on motorcycle. It is alleged that they were attacked by four miscreants who assaulted the informant and brother-in-law and snatched away one mobile phone, one silver chain and Rs. 70,000/- in cash.



Learned counsel for the petitioners submits that petitioners are in custody since 06.05.2022. Petitioner No. 1 bears no criminal antecedent, Petitioner No. 2 bears criminal antecedent of three cases and Petitioner No. 3 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 petitioners are not named in FIR. The name of the petitioners have been surfaced in this case upon the confessional statement of co-accused Md. Anjarul @ Fekna son of Latif. There is nothing on record to demonstrate the complicity of the petitioners with the alleged occurrence. Nothing have been recovered from the possession of the petitioners. There is allegation of recovery against co-accused Md. Anjarul, son of Sanul has already been granted bail vide Cr. Misc. No. 44031 of 2022 by co-ordinate bench of this court and the case of present petitioners stand on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail by co-ordinate bench of this court, argument advanced on behalf of both sides and also



taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj (Simraha) P.S. Case No. 482 of 2022, 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) Petitioners 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 petitioners tamper 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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