

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45368 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- MUZAFFARPUR RAIL P.S. District-
Saran

MD. ASLAM ALAM Son of Kafeel @ Kafiluddin R/v- Majhua Kala, Ward
no. 3, P.s- amaur in the dist. of Purnia

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-11-2022 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
Muzaffarpur Rail P.S. Case No. 32/2021 registered for the
offences punishable under Sections 380 of the Indian Penal
Code.

As per prosecution case, on 13.03.2021 the informant
was travelling by train and when she reached at Muzaffarpur
station, she found that her purse was not available. It is further
alleged that in her purse Adhar card, PAN Card, ATM, Mobile
phone etc. were kept. Hence, FIR has been lodged 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 has come during course of investigation. It is further alleged that the mobile phone was recovered from the joint house of the petitioner and on that time the petitioner was not present at his house. Basically nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner is languishing in custody since 19.05.2022 and bears no criminal antecedent. 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, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, as submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail **after**



framing of charge 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, Saran at Chapra in connection with Muzaffarpur Rail P.S. Case No. 32/2021, 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)

amitkumar/-

U		T	
---	--	---	--

