

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60047 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- SHANKARPUR District- Madhepura

Aflaque, S/o Shamim Ahmad, Resident of Village- Saharsa Basti, Ward No. 31, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-04-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Shankarpur P.S. Case No. 21 of 2021 for the offences punishable under Sections 392 of the Indian Penal Code and Sections 25(1-b) a, 26/35 of the Arms Act.

As per the prosecution case, it is alleged that on 18.02.2021, the informant, who is said to be a field worker of Bharat Finance Inclusion Limited, Singheshwar, was coming after collecting money. In the way two unknown criminals riding on a motorcycle intercepted him and looted Rs.33,205



and one Tab from the dickey of the motorcycle on gun point. It is further alleged that upon the alarm raised by the informant, the villagers and others came there and caught one of the criminal (petitioner) and one fled away.

It is submitted on behalf of the learned counsel for the petitioner that the entire prosecution case appears to be absurd for the simple reason that it is alleged in the F.I.R. that this petitioner was apprehended by the villagers and the police, but surprisingly no looted article has been recovered from the possession of this petitioner and further the police did not even bother to identify the name of another co-accused, who was involved in looting of the articles of the informant. It is further submitted that from the possession of this petitioner only one live cartridge has been recovered and so far the motorcycle is concerned, the petitioner has no concern with the said motorcycle. It is next submitted that the petitioner is in custody since 19.02.2021 and after arrest in the present case, he has been remanded in other three cases, in which he has been granted bail. It is lastly submitted that investigation has already concluded and the charge-sheet has also been submitted in this case.

On the other hand, learned APP for the State opposes



the prayer for bail of the petitioner and submits that this petitioner was apprehended on the spot.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that no recovery except a live cartridge has been made from the possession of this petitioner and he is in custody since 19.02.2021, apart from the fact that investigation has already been concluded and the charge-sheet has also been submitted in this case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Madhepura in connection with Shankarpur P.S. Case No. 21 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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