

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59644 of 2021

Arising Out of PS. Case No.-397 Year-2021 Thana- ARARIA District- Araria

ASIQUE @ ASHIQUE S/o Md. Mozahid Resident of Village- Chakai, P.S.-
Jokihat, District- Araria. At present Resident of Village- Hariyabara, Ward
No.05, P.S.- Araria (R.S.), District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Araria (R.S.)
P.S. Case No. 397/ 2021 registered for the offence punishable
under Section 394 of the IPC.

The petitioner along with others are said to have
assaulted the informant by giving knife blow and taken away
cash of Rs. 4500/- from his pocket.

Learned counsel appearing for the petitioner submits
that the petitioner has committed no offence and he has falsely
been implicated in this case at the instance of his enemies.



Name of the petitioner has been disclosed by apprehended accused Firoz. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from possession of co-accused Firoz. He further submits that till today no TIP has been conducted by the prosecution. He further submits that co-accused Gulfam @ Md. Gulfam has been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 19.01.2022 passed in Cr. Misc. No. 59111 of 2021. Similarly, co-accused Firoj @ Firoz has been granted bail by a co-ordinate Bench of this court vide order dated 05.01.2022 passed in Cr. Misc. No. 52405 of 2021. Petitioner is in custody since 19.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria (R.S.) P.S. Case No. 397/ 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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