

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64937 of 2021

Arising Out of PS. Case No.-471 Year-2021 Thana- BIHAR District- Nalanda

MD. ASIF ALI @ ASIF @ AATHU BHAI @ AASHU BHAI Son of Md.
Alam Resident of Mohalla - Imadpur, P.S.- Bihar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh Mr. Parwej Khan, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 392 of the Indian Penal Code and later on Sections 412 and 395 of the Indian Penal Code was added.

The prosecution case in brief is that the informant along with his cousin having bag in their hand containing Rs. 2,00,000/- and Rs. 3,75,000/- on toto reached near Kabristanpur then he saw a white motorcycle sitting two boys who was



following them. When he reached near Imadpur boring another motorcycle black colour was standing in which two another persons were sitting. All four persons surrounded them and on the point of pistol snatched both bags from them and fled away towards Mughal Kuan.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he is not named in the F.I.R. His name has come on the basis of confessional statement of co-accused namely Md. Raza and Md. Sameer Alam. Further submits that no stolen article has been recovered from the possession of the petitioner and in fact the petitioner was informant of the present case. Further submits that the prosecution recorded the statement of co-accused Md. Raza under Section 164 Cr. P.C. nothing said against the petitioner. Further submits that except the confessional statement of co-accused nothing has come against the petitioner during investigation and police submitted chargesheet against the petitioner and the petitioner is in custody since 28.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bihar P.S. Case No. 471 of 2021, with 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 witness, 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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