

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55033 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- KOCHADHAMAN District- Kishanganj

Asif @ Mahfuz Alam @ Mahfooz Alam S/O Pappu Iqbal Resident of
village- Lahra Chowk P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate.

For the Opposite Party/s : Mr. Dashrath Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ram Prawesh Kumar, learned counsel for
the petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Kochadhaman P.S. Case No. 137 of 2022, for
the offences punishable under Section 395 of the Indian Penal
Code.

As per the FIR, it is alleged that on 25.05.2022, while
informant was coming after collecting Rs.87,469/- from



different places, in the meantime some miscreants came there and three of the miscreants looted the informant's bag containing the aforesaid money, two cheques, one money receipt book and credit memo. He further alleged that the criminals were 8-9 in number and all were in the age of 18-25 years.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown miscreants, however, during the course of investigating name of the petitioner transpired in the confessional statement of co-accused Sarfaraza Alam. He further submits that neither the petitioner has been put on test identification parade nor any incriminating material has been recovered from his person and possession, apart from that the petitioner is in custody since 27.05.2022 and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in one another case instituted under Section 379 of the Indian Penal Code.

Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR has been instituted against unknown miscreants and till date neither any test identification parade has done nor any incriminating



material has been recovered though the charge-sheet has already been submitted, 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 learned Chief Judicial Magistrate, Kishanganj, in connection with Kochadhaman P.S. Case No. 137 of 2022 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.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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