

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55784 of 2022

Arising Out of PS. Case No.-119 Year-2021 Thana- ABADPUR District- Katihar

MD. RAFIQUE @ GAMA S/O MD. ANSAR Resident of village- Gwal Toli,
P.S.- Abadpur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with
Abadpur P.S. Case No. 119 of 2021 registered for the offences
punishable under Sections 395, 397 of the Indian Penal Code
and Sections 25(1-B)a, 35 of the Arms Act.

The informant Premanand Choudhary who
unfolded the story of prosecution is that unknown miscreants
entered into the informant's house and opened Godrej, box as
well as Almirah and took away rupees two lacs, one gold chain,
two rings of gold and other materials and they assaulted the
informant. They are age group between 25-30 years.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been



surfaced upon the confessional statement of co-accused Mansoor Behra. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioner is in custody since 10.05.2022 and bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from the possession of the petitioner. Learned counsel for the petitioner orally submitted that petitioner has not been put on TIP. He further submits that co-accused Sk. Rashidul @ Rashidul Haque on similar allegation has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 34678 of 2022 and petitioner is also entitled for the same treatment.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused on similar allegation has already been granted bail by the co-ordinate Bench of this Court, argument advanced on behalf of both sides and also



taking into consideration the material available on record, 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 Chief Judicial Magistrate, Katihar in connection with Abadpur P.S. Case No. 119 of 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)

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