

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1743 of 2022**

Arising Out of PS. Case No.-290 Year-2021 Thana- SIWAN CITY District- Siwan

Julfikar Ahmad @ Julfikar Ahmad Son of Nizamuddin Resident of Village-
Sheikh Mohalla- Police Station- Siwan Town, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Raj Kishore Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 26-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Siwan
Town P.S. Case No. 290 of 2021 registered for the offence under
Section 392 and 411 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.07.2021.

The allegation against the petitioner is to commit
robbery, along with other co-accused persons, and while
committing so taken away cash of Rs. 6000/-, Adhar Card, other
valuable documents and mobile phone which belongs to
informant.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused namely, Sonu Miyan, where in furtherance thereof, one mobile phone of the same company what was said to be of the informant, was recovered from the house of this petitioner. It is submitted that as no IMEI No. of looted mobile phone was mentioned in the FIR, merely on the basis of IMEI No. of the seized mobile phone, during the course of investigation, petitioner cannot be connected with present set of occurrence/robbery. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in the FIR.

In view of the facts and circumstances as mentioned above, as IMEI No. of recovered mobile phone is not available through FIR to connect this petitioner with the present occurrence/robbery, whose name surfaced on the basis of confessional statement of co-accused person coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Siwan Town P.S. Case No. 290 of 2021 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, Siwan/concerned Court, subject to the following conditions:

“(i) Accused/Petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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