

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6421 of 2023

Arising Out of PS. Case No.-450 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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MD. ASLAM S/O LATE MOHAMMADIN Resident of Village- Sakmapul,
P.S.- Town, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi, Adv.
For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Sadar
P.S. Case No. 450 of 2022 registered for the offence under
Sections 392 and 411 of the Indian Penal Code.

The motorcycle of the informant is alleged to have
been looted on the point of knife by the unknown
miscreants.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
allegation, as alleged in the F.I.R, is false and fabricated as no
such occurrence has taken place. He further submits that in



fact, nothing has been recovered from the conscious possession of the petitioner. He further submits that petitionr has been made accused in this case on the basis of confessional statement of the co-accused, Nitish Kumar Rai on whose possession motorcycle has been recovered. Save and except the confession of the co-accused as well as the self confession of the petitioner, no cogent material has surfaced in this case to suggest his involvement in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st Class, Darbhanga in connection with Sadar P.S. Case No. 450 of 2022 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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