

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13885 of 2023

Arising Out of PS. Case No.-1118 Year-2022 Thana- ARARIA District- Araria

MD. ASLAM Son of Sarfuddin Resident of village - Dhangama, Ward No.-
10, P.S.- Jokihat (Mahalgaon), Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.12.2022 in connection with Araria (Bairgachhi) P.S. Case No.
1118/2022, F.I.R. dated 19.12.2022, for the offence punishable
under Section 392 of the Indian Penal Code.

According to prosecution case, three unknown
miscreants are said to have looted away Rs.2,32,500/- from the
informant on the point of gun and fled away towards Suryapur.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. The name of the petitioner
has been transpired during investigation on the basis of



suspicion raised by the brother of the informant, and thereafter, the police has recorded the self confessional statement of the petitioner in which the petitioner has accepted his involvement in the present occurrence but nothing has been recovered from conscious possession or the house of the petitioner. He further submits that except suspicion and self confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.12.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned C.J.M., Araria in connection with Araria (Bairgachhi) P.S. Case No.1118/2022, subject to 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 witnesses, 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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