

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15777 of 2023

Arising Out of PS. Case No.-23 Year-2020 Thana- TARABARI District- Araria

MD. SHAFIQUE @ SHAFIQUE @ GUDDU S/o Md. Raquib @ Md. Rakib
R/o Village- Bagesri @ Bageshwari, P.S.- Jokihat, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
02.07.2022 in connection with Tarabari P.S. Case No. 23 of
2022, F.I.R. dated 03.04.2020 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, the allegation as per
F.I.R. is against unknown persons alleging that the informant
has been accosted while he was on way and his motorcycle,
mobile phone and Rs.1,000/- has been looted.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner is not named in
the F.I.R. and the name of the petitioner has been transpired



during investigation on the basis of self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the petitioner has remanded in the present case from another case and the similarly situated, co-accused, namely, Ashutosh Kumar Jha @ Babu has been granted bail by a co-ordinate Bench of this Court vide order dated 17.08.2021 passed in Cr. Misc. No. 13753 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 02.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries fourteen criminal antecedents other than the present one.

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 A.C.J.M.-VI, Araria in connection with Tarabari P.S. Case No. 23 of 2020, 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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