

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18631 of 2023**

Arising Out of PS. Case No.-265 Year-2020 Thana- ARARIA District- Araria

Md. Shafique @ Shafique @ Guddu Son Of Md. Raquib @ Md. Rakib R/O
Village- Bagesri @ Bageshwari, P.S.- Jokihat, District- 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,APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 18-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 18.05.2020 in connection with Araria P.S. Case No. 265 of 2020, F.I.R. dated 31.03.2020 registered for the offence punishable under Section 394 of IPC but the police, after investigation, submitted chargesheet under Sections 395,397,412,413,414 of IPC.

3. As per the prosecution case, after withdrawing money from the different ATMs, informant purchased medicine from the shop and when reached near Koshkipur Pulia, two pulsar motorcycle borne persons intercepted him and on the point of pistol, snatched bag of the informant containing rupees three lakhs along with other valuable items and fled away.



4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has been transpired during investigation on the basis of the confessional statement of the petitioner. Further submits that except the confessional statement of the petitioner, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made from possession of other co-accused persons and co-accused persons, namely, Sonu Raj @ Sonu Sah and Ajit Jha@ Ajit Mishra @ Ajit Kumar Mishra have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 27.01.2021 and 02.03.2021 passed in Cr. Misc. Nos. 36037 of 2020 and 1128 of 2021 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.05.2020.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries sixteen more cases other than the present one but fairly submits that out of sixteen cases, the



petitioner is on bail in six cases and rest ten cases are pending for consideration, as mentioned in para-3 of the supplementary affidavit.

6. Vide order dated 27.06.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 04.07.2023 reveals that the case is pending at the stage of appearance of the accused persons.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 18.05.2020 i.e. more than three years.

8. Considering the aforesaid facts, co-accused persons have been granted bail by different Coordinate Benches of this Hon'ble Court, report of the learned Trial Court and the period of custody, 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 learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 265 of 2020, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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