

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21574 of 2023

Arising Out of PS. Case No.-301 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

Noorshad @ Don @ Noorshad Alam S/O Matiur Rahman Resident of
Village- Pothimari Jagir, Ward No.- 02, P.S.- Kochadhaman, District-
Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kochadhaman P.S. Case No. 301 of 2021 dated 02.11.2021,
instituted for the offence punishable under Sections 395, 412 of
the Indian Penal Code.

3. Allegation against the petitioner and other co-accused
is that they entered the office of the informant and after showing
the fear of weapon, they looted away Rs. 1,30,968/- in cash and
mobile phones.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Learned counsel for the petitioner submits that petitioner has
not been arrested from the spot and nothing incrimination article



has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that only on the basis of suspicion, the petitioner is named in this case. It is submitted that no T.I.P. has been done. Similarly situated co-accused, namely, Matiur Rahman and Arif have been granted bail vide order dated 13.06.2022 passed in Criminal Miscellaneous Case no. 10377 of 2022 and vide order dated 27.04.2023 passed in Criminal Miscellaneous No. 14450 of 2023 respectively. Lastly, it has been submitted that the petitioner is in custody since 19.01.2022 having fifteen (15) criminal cases, out of which, he has been acquitted in two cases. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, III, Kishanganj, in Kochadhaman P.S. Case No. 301 of 2021, subject to 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 on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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