

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21766 of 2023

Arising Out of PS. Case No.-514 Year-2021 Thana- KISHANGANJ District- Kishanganj

Noorshad @ Don @ Noorshad Alam, Gender-Male, Aged about 28 years, Son of Matiur Rahman R/V- Pothimari Jagir, Ward no. 2, PS- Kochadhaman Dist- Kishanganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kishanganj P.S. Case No. 514 of 2021 dated 04.10.2021, instituted for the offence punishable under Section 392 of the Indian Penal Code.

3. Allegation against the petitioner is that the petitioner along with other accused persons have committed robbery of Rs. 7 lakhs from the informant on gun point.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is not named in the First Information Report and he has been arrested in



Kochadhaman P.S. Case No. 346 of 2021 and remanded in the instant case merely on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioner. Till date, no ***Test Identification Parade (T.I.P.)*** has been conducted. Lastly, it has been submitted that the petitioner is in custody since 18.02.2022, charge-sheet has been submitted in the case and he has 15 criminal cases against him.

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 Chief Judicial Magistrate, Kishanganj in Kishanganj P.S. Case No. 514 of 2021, 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.¹⁴



(3) 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.

(4) 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)

Gaurav Kumar/-

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