

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22263 of 2022**

Arising Out of PS. Case No.-480 Year-2020 Thana- FORBESGANJ District- Araria

DOMA @ YUNUS S/o Muslim R/o village- Rampur South, P.S.- Forbesganj,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 12-01-2023 Learned counsel for the petitioner is permitted to make
necessary correction in Para 14 of the petition.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Forbesgnaj P.S. Case No. 480 of 2020 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, four miscreants robbed the
informant and took away Rs. 28,000/- in cash as well as driving
license alongwith two mobile phones.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.01.2022 and bears criminal



antecedent of four cases in which he is on bail in three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that petitioner is not named in FIR. The name of the present petitioner has been surfaced in this case upon the confessional statement of co-accused Md. Naushad and Md. Afroz as the petitioner has got enemical relation with the co-accused persons. Except the confessional statement of the co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Co-accused namely Md. Afroz and Md. Naushad upon whose confessional statement the name of the petitioner has been transpired in this case, have already been granted bail vide Cr. Misc. No. 38143 of 2020 and 37177 of 2020 respectively by co-ordinate bench of this Court. No T.I.P. has been conducted uptill now. The petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused persons have already been granted bail by co-ordinate bench of this Court, charge sheet has been



submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Forbesganj P.S. Case No. 480 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

