

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23179 of 2023

Arising Out of PS. Case No.-748 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

MD. ASLAM @ MD. ASLAM SIDDIQUE Son of Late Mohammad
Islamuddin R/V- Barbad Sena, PS- Muffasil, Dist- West Champaran, Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avnish Kumar Singh, Adv.
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Gopalganj
Town P.S. Case No. 748 of 2022 dated 14.09.2022 registered for
the offence under Sections 394 of the Indian Penal Code.

Four miscreants are alleged to have looted Rs. 40,000/-
in cash and golden ornaments on the point of piston from the
house of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that initially the petitioner has not
been named in the F.I.R. but his name transpired in this case on
the basis of self confession of the petitioner as well as
confessional statement of the co-accused persons. He further



submits that, in fact, neither nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery has been made from the house of co-accused person namely, Bullet Kumar nor the petitioner has been put on T.I.P. by the prosecution as yet. Moreover, the co-accused, Bullet Kumar, has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 9766 of 2023 and other co-accused, namely, Deepanshu Pandey and Rahul Kumar Sharma have also been granted bail vide Cr. Misc. No. 10530 of 2023 and Cr. Misc. No. 20144 by another co-ordinate Bench of this Court. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 19.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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, Gopalganj in connection with Gopalganj Town P.S. Case No. 748 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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