

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25535 of 2023

Arising Out of PS. Case No.-96 Year-2021 Thana- BHARGAMA District- Araria

Md. Tabarak Son Of Md. Yunus R/O Village- Joargaun Tola, Noor Chowk,
P.S.- Bhargama (Veer Nagar), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bhargama P.S. Case No. 96 of 2021 dated 22.06.2021, instituted
for the offence punishable under Sections 392 of the Indian Penal
Code.

3. As per the prosecution case, three accused persons on
the point of pistol looted a sum of Rs. 1,20,700/- being carried by
the informant. The informant states that he can identify the
accused person on seeing them again.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case mere on suspicion. Learned counsel for the petitioner submits
that the petitioner is not named in the F.I.R.. Only on the basis of



confessional statement of co-accused, petitioner has been named in this case. Learned counsel for the petitioner submits that T.I.P. has not been conducted till date. Learned counsel for the petitioner further submits that nothing has been recovered from the possession of the petitioner. Similarly situated co-accused, namely, Maktub @ Md. Maktub has been granted bail vide order dated 17.05.2022, passed in Criminal Miscellaneous No. 68547 of 2021, by a Co-ordinate Bench of this Court. Lastly, it has been submitted that the petitioner is in custody since 19.10.2022 having four criminal 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 Judicial Magistrate - 1st Class, Araria, in Bhargama P.S. Case No. 96 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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