

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27742 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- ARARIA District- Araria

MD SUFIYAN S/o Karamat R/o village- Kakorwa, Sarif Nagar, Ward No. 3,
P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Kundan Kumar Singh, Advocate
For the S t a t e : Mr Anil Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 08-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Araria Police Station (for brevity, **PS**) Case No 119 of 2022 dated 08.02.2022 registered for the offence punishable under Sections 461, 379/34 of Indian Penal Code.

It is alleged that the informant's shop has been looted at night and that he has preserved Closed-Circuit Television Footage. Based on material in the investigation, co-accused Nayeem has been apprehended who has stated about the petitioner's participation in the loot. The petitioner, thereafter, has been arrested and from his house, there is alleged recovery of ornaments which are said to be part of the looted articles from the shop in question.

It is submitted by the learned counsel for the petitioner that the ornaments, recovered from the petitioner's house, are in fact his own ornaments. The ornaments have not been identified by the informant till date. As such, there is no material to suggest that the ornaments are stolen ornaments. He has five antecedents and has been acquitted in four cases whereas he is on bail in Araria PS Case



No 820 of 2018. The instant case is an example of false implication as a sequel to the earlier cases on account of his antecedents by inserting his complicity in the confessional statement of co-accused, which has no veracity. Under such circumstances, he is in custody since 12.02.2022, i e, for one year.

Learned APP has opposed the prayer for bail. It is submitted that there is recovery of ornaments from the petitioner's house and his name has been stated by the co-accused.

Having considered the rival submissions, nature of material, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in Araria PS Case No 119 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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