

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29557 of 2023

Arising Out of PS. Case No.-115 Year-2022 Thana- PARBATTa District- Bhagalpur

BADAL SHARMA Son of Khono Sharma @ KHONAY SHARMAAAA
Resident of village-Tulsipur, P.S.-Kharik, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Parbatta
P.S. Case No. 115/2022 registered for the offences punishable
under Sections 413/414 of the Indian Penal Code.

As per prosecution case, on 19.09.2022 informant
alongwith other police persons proceeded for evening patrolling
and in the course of patrolling he came to know from spy that
accused of Parbatta P.S. Case No. 112/2022 namely Md. Tajim
is smoking Ganja at the Basa of Taslim in Jamunia Diyara.
Police team reached there and caught him. On interrogation he
accepted his involvement in incident of loot committed on
13.09.2022. He disclosed that the motorcycle which was used in
commission of loot was of one Md. Musto and the police
proceeded to the house of Md. Musto and he disclosed that said



motorcycle was purchased from Md. Jahid 3-4 months ago. On the instance of Md. Musto police apprehended Md. Jahid from his house and he disclosed that said motorcycle had purchased from Md. Badal (petitioner).

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and the name of petitioner transpired in this case on the basis of confessional statement of co-accused Md. Jahid @ Dealer. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 17.11.2022 and bears criminal antecedent of five cases. Nothing has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that petitioner has five criminal antecedents.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in



this case and there is no likelihood of tampering with the prosecution evidence and 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 **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIIrd, Naugachia/Successor Court in connection with Parbatta P.S. Case No. 115/2022, 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)

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