

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2034 of 2023

Arising Out of PS. Case No.-23 Year-2021 Thana- BAUNSI District- Araria

MD. TABREJ @ TABREJ son of Late Md. Idrish @Idris Resident of Village-
Rehuwa, P.S.Baunsi,District Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar Jha, Advocate Mr. Vijay Kishore Bhat, Advocate Mr. Abhijeet Gautam, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 27-09-2023 The present appeal has been filed to enlarge the
appellant on bail.

2. It is stated that vide order dated 18.01.2023, passed in Cr. APP (SJ) No. 3415 of 2022, this Court rejected the prayer of bail of the appellant. However, the appellant has moved this appeal stating that new circumstances has emerged in view of the fact that eight months have passed since earlier order of rejection of bail is passed and similarly situated co-accused, Md. Mitthu @ Md. Zafar Ekbal @ Md. Zafar Mittghu has been enlarged on bail by this Court vide order dated 03.03.2023, passed in Cr. APP (SJ) No. 3835 of 2022. It is further submitted that there is no any incriminating material against the appellant other than confessional statement of co-accused whereby the



appellant has been implicated.

3. Learned APP opposed the prayer for bail of the appellant.

4. Considering the fact that eight months have passed since passing of earlier order of rejection of bail, similarly situated co-accused has been granted bail by this Court and there is no incriminating material against the appellant other than the confessional statement of co-accused, the appeal is allowed, setting aside the impugned order dated 21.09.2022, passed by Ld. Court of 1st Additional Sessions Judge-cum-Spl. Judge, Araria, and the appellant is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Ld. Court of 1st Additional Sessions Judge-cum-Spl. Judge, Araria in connection with Special (SC/ST) Case No. 26 of 2021, after framing of charge, if not already framed, on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court



whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has criminal antecedents other than the disclosed one, Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, Ld. trial court shall cancel the bail bonds of the appellant.

(Jitendra Kumar, J)

Amrendra/-

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