

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30779 of 2022**

Arising Out of PS. Case No.-96 Year-2022 Thana- JOKIHAT District- Araria

Washim Son of Hasib @ Hazi Hasiburrahman R/O- Vill- Bagdahara Ward No. 7, P.S.- Jokihat, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. N.K. Agrawal, Sr. Advocate |
|                          |   | Mr. Gopal Kumar Jha, Advocate  |
| For the Opposite Party/s | : | Mr. Bhanu Pratap Singh, APP    |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      13-01-2023                      Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State in virtual court proceedings.

Petitioner seeks bail in a case registered for the offences punishable under Sections 392, 412/34 of the Indian Penal Code.

As per F.I.R. on 24.02.2022 at about 4:20 A.M. while the informant was going to Kishanganj from Bhagalpur with the loaded pick-up van with edible oil, Asian Paints worth of Rs. 7 lacs and when he reached near at Boria diversion three persons riding on a T.V.S. motorcycle intercepted the informant and after inflicting assault, dragged him down and snatched Rs. 4000/- from his pocket and plundered the pick up van. On the basis of



G.P.S. system loaded pick-up van was traced where some persons were engaged in unloading the articles and seeing the police party, they started fleeing but on chase the petitioner namely Washim apprehended by the police with the pick-up van and loaded articles were recovered from the house of co-accused Moid. Thereafter, the petitioner disclosed the name of his associates as nanga, Rashid, Margub and Karul.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner has no concern with the alleged occurrence and nothing has been recovered from the conscious possession or the house of the petitioner and merely on the basis of suspicion the name of the petitioner has been falsely implicated in the present case. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending in connection with Jokihat  
P.S. Case No. 96 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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