

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29943 of 2023

Arising Out of PS. Case No.-394 Year-2022 Thana- BIBHUTIPUR District- Samastipur

SAMS TABREJ @ ARMAN s/o PRAVEJ ALAM RESIDENT OF VILLAGE
CHAND CHAUR P.S. UJIARPUR DISTRICT SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy

For the Opposite Party/s : Mr.Akbar Ali

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
Bibhutipur P.S. Case No. 394 of 2022 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, three unknown miscreants
came on motorcycle and robbed the informant's motorcycle,
mobile and cash of Rs.7000/-.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.12.2022. Petitioner bears six
criminal antecedents of similar nature. Charge sheet has already
been submitted in the case and there is no likelihood of
tampering with the prosecution evidence. Learned counsel for
the petitioner submits that petitioner is not named in the FIR.



Name of the present petitioner has been surfaced on the basis of confessional statement of co-accused as mentioned in Para 49 of the case diary which is evident from impugned order itself. No TIP has been conducted up till now. Nothing has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 394 of 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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