

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30191 of 2023

Arising Out of PS. Case No.-644 Year-2022 Thana- JOKIHAT District- Araria

MD. AARZU @ MD. ARJU Son of Md. Kafil Resident of village-Chilhaniya,
Ward No.-10, P.S.-Mahalgaon, District-Araria

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Jokihar
(Mahalgaon) P.S. Case No. 644 of 2022 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, when the informant
alongwith his brother were returning towards their house, three
miscreants on motorcycle robbed Rs. 4,46,320/- and other articles
from them. It is further alleged that miscreants also snatched the
key of informant's motorcycle and fled away from the place of
occurrence. Hence, F.I.R. has been lodged against three unknown
persons.

Learned counsel for the petitioner submits that
petitioner is not named in FIR and his name has been transpired



upon the confessional statement of co-accused Md. Asif Reza. Except confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. No incriminating article has been recovered from physical or conscious possession of the petitioner. Petitioner is innocent and he has not committed any offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. He further submits that co-accused Md. Asghar Ali has already been granted bail by the co-ordinate Bench of the this Court vide Cr. Misc. No. 30400 of 2023 and the case of present petitioner stands on similar footing. He further submits that petitioner is in custody since 08.02.2023 and bears no criminal antecedent. Learned counsel for the appellant orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail by the co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 644 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.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

