

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42157 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- SASARAM NAGAR District- Rohtas

AFTAB ALAM @ POPAT S/o Istekhar R/o-Mohalla-Sagar, Ghoshi Tola,
P.S.-Sasaram (Nagar), District-Sasaram

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sasaram (Town) P.S. Case No. 257 of 2023 registered for the offences punishable under Sections 147, 148, 149, 188, 153(A), 341, 342, 323, 337, 338, 353, 307, 427, 435, 436, 504, 506, 505, 302 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per prosecution case, there are several persons between two communities. It is further alleged that due to communal disharmony they assaulted many people.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. and his name has been transpired in this case merely on the basis of suspicion. Except suspicion,



there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioner was not the member of mob of unlawful assembly and he has not been seen in the CCTV footage, as mentioned in para 7 of the bail petition. Petitioner is quite innocent and has committed no offence as alleged against him F.I.R. and he has falsely been implicated in the present case due to local village politics. He further submits that petitioner is in custody since 24.04.2023 and bears no criminal antecedent. Learned counsel for the petitioner orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner was not apprehended on the spot. He further submits that co-accused Md. Sahkir @ Md. Sakir has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 41274 of 2023. Similarly, co-accused Manzar Hussain and Md. Shadik Akhtar have also been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 41338 of 2023 and hence the present petitioner deserves same treatment.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of



petitioner, co-accused persons have granted bail by the Co-ordinate Bench of this Court, 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 Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasarm (Town) P.S. Case No. 275 of 2023, 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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