

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42894 of 2023

Arising Out of PS. Case No.-71 Year-2019 Thana- GOPALPUR District- West Champaran

MD. FARMAN S/o- MEER MURTUZA Village- Meer Toli Sugauli Ps-
Sugauli Dist- E.Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 21-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner seeks bail in connection with Gopalpur P.S. Case No. 71 of 2019 registered for the offences punishable under Section 394 of the I.P.C.
3. As per prosecution case, three unknown miscreants had hired informant's auto for Baishkwa and when they reached near the place of occurrence they tied the hands and mouth of the informant by Gamchha and took away the mobile and tempo of the informant.
4. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. During course of investigation name of present petitioner has been surfaced



on the basis of confessional statement of co-accused. Petitioner is remanded in the present case on 27.05.2021 from Shikarpur P.S. Case No. 408 of 2019 since then he is in custody. Petitioner bears seven criminal antecedents and in all cases he is not named in the F.I.R. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that petitioner was arrested in connection with Shikarpur P.S. Case No. 408 of 2019 on 04.07.2019 and was regularly produced before court and after about three months on 27.09.2019 informant identified him, which creates serious doubt on his identification.

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

6. 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, co-accused persons have already been granted bail 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, Bettiah (West Champaran) in connection with Gopalpur P.S. Case No. 71 of 2019, 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 not leave the territorial



jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(v) If petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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