

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52225 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- TARABARI District- Araria

Abu Sufiyan @ Lalu Son Of Late Md. Hasim R/O Village- Sajheli, P.S.-
Araria (R.S.), District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 08-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.06.2022 in connection with Tarabari P.S. Case No. 82 of
2021, F.I.R. dated 01.08.2021 for the offences punishable under
Sections 401, 413, 414, 34 of the Indian Penal Code.

According to prosecution case, as per the statement of
the informant that on 01.08.2021 at about 14.00 he along with
others were doing intensive vehicle checking at Pategana Gola
Chowk in the meantime secret information was received by the
informant that the accused persons including the petitioner with
a stolen motorcycle are going from Palsi to Pategana to execute
some big criminal incident. Thereafter, the informant along with
other reached at near of Pategana Sahu Tola, seeing the police
the accused persons including the petitioner started running



away leaving behind the stolen motorcycle and managed to escape.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner was not apprehended at the spot and nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that during investigation no cogent material has come against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one.

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



Magistrate 1st Class, Araria in connection with Tarabari P.S.

Case No. 82 of 2021, subject to 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 witnesses, 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 antecedent, 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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