

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57884 of 2022

Arising Out of PS. Case No.-206 Year-2022 Thana- BAISI District- Purnia

MD. KASIF RAJA Son of Sakib R/V- Singhia Thathol, P.S- Dagarua Dist-
Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56780 of 2022

Arising Out of PS. Case No.-206 Year-2022 Thana- BAISI District- Purnia

GUDDU ALAM Son of Samsul Hoda Resident of village - Gehunwa, P.S.-
Dagarua, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57884 of 2022)

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 56780 of 2022)

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-02-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the
offences punishable under Section 395 of the Indian Penal
Code.

According to prosecution case, the F.I.R. of the



occurrence of loot is against unknown.

Learned counsel for the petitioner submits that petitioner no.1 has one criminal antecedent and petitioner no.2 has two criminal antecedents other than the present one. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the F.I.R. and the names of the petitioners have been transpired on the basis of confessional statement of co-accused namely, Md. Guddu Alam and the name of co-accused Md. Guddu Alam has come on the basis of confessional statement of co-accused namely, Md. Mushtaque. He further submits that it appears from the seizure list that one Silver chain has been found in the neck of the petitioners but learned counsel for the petitioner submits that the same is belongs to the petitioner namely, Kashif Raja. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner namely, Guddu Alam and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 03.06.2022.

The learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 has one criminal antecedent and petitioner no.2 has two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Baisi P.S. Case No. 206 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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



petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

mdrashid/-

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

