

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57572 of 2022

Arising Out of PS. Case No.-128 Year-2015 Thana- MINAPUR District- Muzaffarpur

Md. Tamane Alam @ Md. Tammame Alam @ Noor Alam S/o- Badrul Hasan
R/o Village- Gausnagar, P.S.- Mahindwara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Wasi Akhtar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 395 and 397 of the Indian
Penal Code.

As per prosecution story, in brief, it is a case of
assaulting the informant and snatching Rs. 5,000/- from the
pocket of the informant, two *bhar* gold chain worth Rs. 60,000/-
and a Nokia Mobile.

Learned counsel for the petitioner submits that the
petitioner has clean antecedents and he has been falsely
implicated in the present case. He further submits that the name
of the petitioner has been transpired on the basis of disclosure
made by co-accused persons namely Mohammad Akhtar and



Raju Kumar. He further submits that no incriminating article has been recovered from the possession of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that similarly situated co-accused persons namely Sudhir Rai and others have been granted bail by a Coordinate Bench of this Court vide order dated 27.07.2015 in Cr. Misc. No. 26728 of 2015, another co-accused person namely md. Akhtar @ Md. Aktar has been granted bail by a Coordinate Bench of this Court vide order dated 06.10.2015 in Cr. Misc. No. 37068 of 2015 as well as another co-accused namely Raju Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 27.08.2015 in Cr. Misc. No. 36044 of 2015 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 12.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Minapur P.S. Case No. 128 of 2015, with 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 witness, 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 antecedents, 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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