

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61994 of 2023**

Arising Out of PS. Case No.-12 Year-2023 Thana- ASHTHAWAN District- Nalanda

ARIF @ MD. ARIF @ JHUNNU @ TIPU SULTAN @ ABHISHEK Son of  
Md. Mahbub Alam R/o vill - Dhanuki, P.S. - Manpur, Distt. - Nalanda  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate  
For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      25-09-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
27.02.2022 in connection with Asthawan P.S. Case No. 12 of  
2023, F.I.R. dated 09.01.2023 for the offences punishable under  
Sections 395 of the IPC.

3. According to prosecution case, while the informant  
and his family members were sleeping in his house, 4-5  
unknown persons entered into his house and on the point of  
rifle, pistol and knife looted a bag containing Rs. 5,05,000/-,  
which was kept in Almirah and fled away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the  
present case. Further submits that the petitioner is not named in  
the F.I.R. the name of the petitioner has been transpired on the



basis of confessional statement of co-accused and nothing has been recovered from conscious possession of the petitioner, although the petitioner has put on T.I.P, but the witness has not identified the petitioner and Gopal Kumar who has disclosed the name of the petitioner has been granted bail by this Hon'ble Court vide order dated 21.09.2023 in Cr. Misc. No.50701 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.02.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, but fairly submits that petitioner is on bail in that case.

6. 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 Additional District & Sessions Judge, Vth, Nalanda at Bihar Sharif in connection with Asthawan P.S. Case No. 12 of 2023, subject to the following conditions:-

- i. 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.

ii. 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.

iii. 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)**

Prakash Narayan

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