

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62935 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- BHAGWANPUR District- Vaishali

MD. ABRAR WARSI @ SHER KHAN SON OF LATE MD. ASLAM
RIJAVI R/O VILLAGE- ADAMPUR, P.S.- GORAUL, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 392 of the Indian Penal Code.

The case relates to commission of loot of mobile,
purse along with the personal documents of the informant.

Learned counsel for the petitioner submits that the
petitioner is innocent and has not committed any offence
and he has falsely been implicated in this case. In fact, the
petitioner has not been named in the F.I.R., however, he has
been made accused in this case merely on the basis of
confessional statement of the co-accused, Gautam Kumar
and except confession of the co-accused, nothing is on



record against the petitioner. He further submits that the informant has not given details of the looted articles and the police has claimed that the looted articles have been recovered from the house of the petitioner. He further submits that nothing has been recovered from the house of the petitioner or his conscious possession rather the recovered articles as shown by the police belong to the petitioner's property. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner but no T.I.P. has been conducted as yet by the prosecution. The petitioner is rotting in judicial custody since 16.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Bhagwanpur P.S. Case No. 126 of 2021 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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