

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63049 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- KOCHADHAMAN District- Kishanganj

Aasif Ali @ Asif Ali, Son of Md. Alam Rahi, Resident of village - Pipaltora,
Chanduar, P.S.- Purnea, District - Purnea, At present - Dumara, P.S.-
Kochadhaman, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Kochadhaman P.S. Case No. 137 of 2022 registered for the alleged offences under Section 395 of the Indian Penal Code.

As per prosecution case, unknown miscreants looted Rs. 87,469/-, cheque-books, money receipt book and credit memo from the informant after the collection of money by the informant from different shops. The name of the petitioner transpired as an accused during investigation.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the



conscious possession of the petitioner. The petitioner has not put to any Test Identification Parade and police arrested the petitioner merely on suspicion. The name of the petitioner came up in this case on the basis of confessional statement of co-accused Sarfaraz, who has been granted bail by a Co-ordinate Bench of this Court vide order dated 09.02.2023 passed in Cr. Misc. No. 57663 of 2022. Another co-accused Asif @ Mahfuz Alam has also been granted bail by another Co-ordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 55033 of 2022. The petitioner was neither present on the spot nor he committed any offence as alleged. The petitioner is in custody since 27.05.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents and is accused in a theft case.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail



bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 137 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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