

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67750 of 2022

Arising Out of PS. Case No.-482 Year-2022 Thana- FORBESGANJ District- Araria

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Anjarul @ Fekna S/o Latir R/v- Madarganj, P.S.- Forbesganj (Simraha),
District- Araria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Ramesh Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Forbesganj (Simraha) P.S. Case No. 482 of
2022, registered for the offence punishable under Section 392 of
the Indian Penal Code.

It is alleged that while the informant, his father-in-law
and brother-in-law were going on a motorcycle, they were
intercepted by four miscreants, who assaulted them and
snatched their mobile, cash of Rs.70,000/- and silver chain.

Learned counsel appearing on behalf of the petitioner



submits that FIR has been instituted against unknown miscreants, however, during course of the investigation the petitioner and co-accused Md. Anjarul were arrested and from their possession cash of Rs. 10,300/-, silver chain and mobile have been recovered. He further submits that in fact the mobile, which is said to be looted article, is concerned, the same was purchased second hand from co-accused Sainul and the recovered silver locket belongs to the petitioner. He next submits that neither the petitioner nor the recovered articles have been put up on test identification parade for their proper identification, however, only on account of the past criminal antecedent the petitioners were apprehended and their names have been implicated in this case. He also submits that co-accused Md. Anjarul from whose possession some cash amount has been recovered has been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 44031 of 2022 vide order dated 18.11.2022. He lastly submits that now the petitioner is in custody for over a period of nine months and the investigation of the crime is already complete.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is also found accused in two other criminal cases



besides the present one.

Regard being had to the submissions made on behalf of the parties and considering the fact that neither the petitioner nor the recovered articles have been put up on test identification parade till date, coupled with the fact that co-accused Md. Anjarul, who was apprehended along with the petitioner and from whose possession certain cash amount has been recovered has been allowed privilege of bail by learned Co-ordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Araria in connection with Forbesganj (Simraha) P.S. Case No. 482 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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