

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75781 of 2023

Arising Out of PS. Case No.-332 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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MD. SAIYAB ISLAM @ SAIF SON OF SAHEBUL ISLAM RESIDENT OF
VILLAGE- KAHALA, P.S.- MUTHWANI, DISTRICT- MALDAH, WEST
BENGAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gopalganj Town P.S. Case No. 332 of 2023 registered for the
offences punishable under Section 395 of the IPC.

3. As per prosecution case, informant alongwith co-
driver loaded the milk from Parsauni Milk, Production Co-operative
committee and proceeded for Gopalganj and as soon as they
proceeded for Parsauni Canal Road to Turkaha Road and reached in
the village Parsama on the canal road, then, six miscreants came on
apache motorcycle and pulsar motorcycle and intercepted the
informant's bolero pick up vehicle. It is further alleged that
miscreants entered into the bolero pick up vehicle and on the point of
pistol and knife took away bolero pick up, snatched mobile phones



and fled away.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the present case upon the confessional statement of co-accused Vivek Kumar. Except confessional statement of co-accused Vivek Kumar, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 12.05.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. No TIP has been conducted uptill now. He further submits that co-accused, Ravi Kumar, has already been granted bail vide Cr. Misc. No. 67210 of 2023 by a co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 C.J.M. Gopalganj in connection with Gopalganj Town P.S. Case No.332 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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