

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71286 of 2022**

Arising Out of PS. Case No.-112 Year-2019 Thana- BAUSI District- Araria

MD. SULTAN @ SULTAN S/O LATE MD. ILIYAS Resident of village-  
Chandradei, P.S.- Araria R.S.- District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh, No.1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      12-04-2023                      Heard learned counsel appearing on behalf of the  
parties.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Bousi P.S.  
Case No.112 of 2019 registered for the offence under Section  
392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and  
is in custody since 18.07.2022.

The allegation against the petitioner is to commit  
robbery along with other co-accused persons and while  
committing so, taken away cash of Rs. 13,000/- along with  
certain valuable documents like Adhar Card, PAN Card, DL,  
etc., belongs to the informant.



Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely in the present case, on the basis of confessional statement of co-accused, namely Md. Sarfaraz @ Gazi, in furtherance of which, no incriminating material recovered/surfaced, which may connect this petitioner, *prima facie*, with the present allegation of robbery. It is also pointed out that the petitioner has not put on TIP, as yet. While concluding the argument, it is submitted that petitioner found involved in 04 more criminal cases, where, he is on bail and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as save and except confessional statement of co-accused, no incriminating material recovered/surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the present occurrence of robbery coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Bousi P.S. Case No.112 of 2019, on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 1<sup>st</sup>, Araria/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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