

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72933 of 2022

Arising Out of PS. Case No.-230 Year-2021 Thana- FALKA District- Katihar

NABI ALAM S/O MAIDUL Resident of village- Barichatar, P.S.- Falka,
District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
12.09.2022 in connection with Falka P.S. Case No. 230 of
2021, F.I.R. dated 14.07.2021 registered for the offence
punishable under Section 392 of IPC.

As per the prosecution story, on 14.07.2021 while the
informant was coming from the house of one Puja Kumari after
collecting Rs.1,27,900/- in the way near village Morsanda the
unknown miscreants on the point of arms looted away his bag
containing the aforesaid cash, adhar card, ATM card etc.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case only on the basis of the



confessional statement of the co-accused, namely, Md. Akhlaque @ Md. Akhlaque Ray and the said co-accused, namely, Md. Akhlaque @ Md. Akhlaque Ray has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 13.06.2022 passed in Cr. Misc. No. 70491 of 2021. Further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, let the petitioner, above named, 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 Chief Judicial Magistrate, Katihar in connection with Falka P.S. Case No. 230 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 cancelled 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.

(3) 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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