

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76919 of 2023

Arising Out of PS. Case No.-128 Year-2021 Thana- BARAUNI District- Begusarai

MD ARBAJ Son of Md Eshak R/o vill - Sadi Sthan, P.S. - Barauni, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar
For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T. No. 122 of 2022 arising out of Barauni (Chakia) P.S. Case No. 128 of 2021 registered for the offences punishable under Sections 392, 307, 414, 465 and 471 of the IPC.

3. As per prosecution case, co-accused Nirranjan Singh, Nitin Kumar and one unknown miscreant put mask over their face and started abusing informant. It is further alleged that co-accused persons were armed with weapons and looted informant's cash of Rs. 1200/-, one motorcycle and mobile of the informant and his staff.

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 on the basis of self confessional statement before the police in Barauni (FCI) P.S. Case No. 134 of 2021 in which he has confessed his complicity in the alleged crime and on the confessional statement of this petitioner looted motorcycle of this case has been recovered. Basically, nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that petitioner is in custody since 21.06.2021. Total period of custody undergone by the petitioner is near about two years and six months. Petitioner bears criminal antecedent of six cases. He further submits petitioner has been roped in a case one after another in a routine manner. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 Addl. Session Judge-IIIrd, Begusarai in connection with S.T. No. 122 of 2022 arising out of Barauni (Chakia) P.S. Case No. 128 of 2021 , 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)

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