

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25438 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- BARAULI District- Gopalganj

Farooque @ Md. Farooque Son of Md. Babuddin Shah @ Babudin Sah
Village Khajuriya, Ward No. 24, P.S. Gopalganj Town, District Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Ajit Kumar

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barauli
P.S. Case No. 288 of 2023 instituted for the offences under
Sections 457, 380 of the Indian Penal Code.

3. Prosecution case, in short, is that unknown
miscreants after committing theft of cash and ornaments in the
house of the informant fled away by a Scorpio bearing Reg. No.
BR28P-0364.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the F.I.R. The name of the petitioner
transpired in this case on the basis of confessional statement of



the co-accused, namely, Rahul Kumar @ Mahendra Kumar @ Nanhaki. No stolen article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that T.I.P. has not been conducted till date. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner was remanded in this case from Barauli P.S. Case No. 292 of 2023 on 21.12.2023, and since then he is languishing in judicial custody and has three criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barauli P.S. Case No. 288 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every



date fixed at the trial. In case of default in such appearance
on two consecutive dates, the Trial Court will have liberty
to cancel the bail bonds of the petitioner

(Rudra Prakash Mishra, J)

manishkumar/-

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