

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32407 of 2024

Arising Out of PS. Case No.-233 Year-2021 Thana- AAJAM NAGAR District- Katihar

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Khuda Dosh S/O- KALIMUDDIN@ KALIMUDDIN ANSARI R/O-
VILLAGE- JOKAR,P.S- AZAMNAGAR, DISTRICT-Katihar

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shadab Akhter

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2.The petitioner seeks bail in connection with
Azamnagar P.S. Case No. 233 of 2021 registered for the
offence punishable under Sections 392 and later on converted
into under section 395/411 of the I.P.C.

3.As per prosecution case, four accused persons
snatched Rs. 1,80,000/- kept in bag, one Laptop, mobile and
other items from the informant and fled away. In course of
occurrence informant identified one miscreant whose name as
Sahbaz Ansari.

4.Learned counsel for the petitioner submits that
petitioner is not named in F.I.R. The name of present petitioner
has been transpired in this case upon the confessional statement



of co-accused Firoj Ansari. Except confessional statement of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No T.I.P. has been conducted up till now. Similarly, situated co-accused Rauf Ansari and Filtus @ Piltu have already been granted bail by the co-ordinate bench of this court vide criminal miscellaneous case no. 685 of 2022 and criminal miscellaneous case no. 39128/2022 respectively. Further, co-accused Sabir Bhand has granted bail by this court vide criminal miscellaneous no. 42547/2022 and the case of present petitioner stands on similar footing and on the principle of parity petitioner also deserves bail. Petitioner is in custody since 23.11.2023 and bears no criminal antecedents. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5.The learned A.P.P. for the State 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 petitioner, co-accused persons have 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. Katihar, District-Katihar in connection with Azamnagar P.S. Case No. 233/2021, 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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