

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.38409 of 2024**

Arising Out of PS. Case No.-136 Year-2023 Thana-  
KOCHADHAMAN District- Kishanganj

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Md. Asif Alam Son of Late Shamshul Alam Resident of Village -  
Belwa Bhagat Tola, Ward No.- 1, Near Masjid, P.S.- Araria,  
District – Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kumar Kaushlendra, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      27-05-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection  
with Kochadhaman P.S. Case No.136 of 2023, lodged on  
05.06.2023, under Sections 379/461 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged  
against unknown against whom there is allegation of  
commission of theft by cutting the grills of different rooms has  
been made.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that the petitioner has been remanded in the present case only due to the reason that his criminal antecedent is not clean and there are 10 more criminal cases pending against him and in seven cases he is on bail and in rest cases he is persuading for bail. Counsel submits that the petitioner is in custody since 16.10.2023. Learned counsel for the petitioner submits that nothing incriminating has been recovered from the possession of the petitioner. Petitioner's name has come only and only by virtue of confessional statement of co-accused and his confession.

5. Learned counsel for the State opposes the prayer for bail and submits that there are 10 criminal cases pending against him.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed, and on being satisfied that petitioner is not absconding in the following cases, i.e., (i) Kasba P.S. Case No.212 of 2023, (ii) Kasba P.S. Case No.187 of 2023 (iii) Kochadhaman P.S. Case No.136 of 2023, (iv) Kochadhaman P.S. Case No.124 of 2023, (v) Kochadhaman P.S. Case**



**No.142 of 2023, (vi) Kochadhaman P.S. Case No.159 of 2023, (vii) Kochadhaman P.S. Case No.161 of 2023, (viii) Kochadhaman P.S. Case No.99 of 2023, (ix) Amour P.S. Case No.204 of 2023, (x) Jalalgarh P.S. Case No.121 of 2023,** aon furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate(P), Kishanganj, Bihar, in connection with Kochadhaman P.S. Case No.136 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence,



failing which the State shall be at liberty to take steps for  
cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any  
criminal offence again, failing which the State shall be at  
liberty to take steps for cancellation of the bail bonds.

**(Dr. Anshuman, J)**

Mkr./Ankit-

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