

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35028 of 2024

Arising Out of PS. Case No.-428 Year-2022 Thana- ARARIA District- Araria

Md. Qaisar Alam @ Md. Kaesar Alam Son Of Md. Sudhir Resident Of
Village - Kalasan, Post - Doria, Kalasan, P.S. - Chousa, District - Madhepura
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Araria
P.S. Case No. 428 of 2022 dated 27.05.2022, instituted for the
offence punishable under Sections 392 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence, two unknown miscreants entered into the
Bank and overpowered all staffs and guard on gun point and
looted cash of Rs. 37,36,750/- and 19 bags of jewellery worth Rs.
27,71,588/- and fled away by snatching six cartridges from the
guard.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Learned counsel for the petitioner submits that the petitioner



is not named in the F.I.R. The present F.I.R. has been lodged against the unknown persons. The name of the petitioner has been dragged in this case only on the basis of confessional statement of co-accused, namely, Md. Shahnawaz Alam @ Sonu @ Daroga , who has been granted bail vide order dated 18.05.2023 passed by this Court in Criminal Miscellaneous No. 21122 of 2023. Other co-accused, namely, Raja Sahni @ Munna Mikel @ Dhori has been granted bail *vide* order dated 30.01.2024 passed by co-ordinate Bench of this Court in Criminal Miscellaneous No. 2200 of 2024. Learned counsel for the petitioner submits that no T.I.P. parade has been conducted till date. Nothing has been recovered from the house of the petitioner. Lastly, it has been submitted that the petitioner is in custody since 25.01.2024 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, in connection with Araria P.S. Case No. 428 of 2022, subject to



the following conditions:-

- I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- IV. 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.

(Khatim Reza, J)

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