

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41185 of 2024

Arising Out of PS. Case No.-240 Year-2023 Thana- DARBHANGA District- Darbhanga

Hafijul Rahman Son of Md. Sabir Resident of Village - Montola,
Bhagwatipur, P.S. - Pandaul, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
	:	Mr. Gagandeo Yadav, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Darbhanga (Town) P.S. Case No. 240 of 2023

registered for the offences under Section 379 of the

Indian Penal Code.

3. The petitioner is not named in the F.I.R. and

is in custody since 30.01.2024.

4. The allegation against the petitioner is to

commit theft alongwith other co-accused persons and

while committing so taken away motorcycle belongs to



informant.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in the present case during the course of investigation on the basis of confessional statement of co-accused Md. Saddam, in furtherance of which, no incriminating material recovered/surfaced as to connect petitioner, *prima facie*, with the present occurrence of theft. It is further submitted that petitioner found involved in six more criminal cases, where suspicion arising out of said criminal antecedents became also the reason for his implication with the present case without having any connecting evidence. While concluding the argument it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.



7. In view of the facts and circumstances as mentioned above and by taking note of the fact as, save and except suspicion arising out of confessional statement of co-accused nothing incriminating recovered from the possession of this petitioner, coupled with the fact as petitioner is in custody since 30.01.2024, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Darbhanga (Town) P.S. Case No. 240 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the



petitioner.

(ii) Accused/Petitioner

shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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