

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46345 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Md. Tanvir Alam @ Tanvir @ Tanvir Alam Son Of Late Qamruddin Village-
Gayyari, P.S.- Araria, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kaushlendra

For the Opposite Party/s : Mr.Zainul Abedin

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

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kochadhaman P.S. Case No. 124 of 2023 instituted for the
offences under Sections 461 and 379 of the Indian Penal Code.

3. As per prosecution case, the allegation against the
petitioner is of being involved in theft of 19 sacks of rice.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Petitioner is not named in the FIR and the same
has been lodged against unknown person. The name of the
petitioner has come into light on the basis of confessional
statement of co-accused person, which has got no evidentiary



value in the eyes of law. The petitioner has got no concern with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. Charge-sheet has been submitted in this case. The petitioner has been remanded in this case on 17.10.2023 from Kasba P.S. Case No. 212 of 2023 and since then he is in custody and has nine criminal antecedents. The other co-accused has already been granted bail by this Court vide order dated 21.05.2024 passed in Cr. Misc. No. 36773 of 2024.

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

6. Considering the facts and circumstances of the case as well as 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 Kochadhaman P.S. Case No. 124 of 2023, Subject to 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.

(iii) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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