

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43820 of 2024

Arising Out of PS. Case No.-189 Year-2020 Thana- GOPALPUR District- West Champaran

Md. Naushad @ Naushad Alam S/o S.K. Sajjad @ Sheakh Sajjad R/o Village-
Bela Sheikhtoli, Ward No. 9, P.S.-Ramgadhwa, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha

For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Section 392 of the Indian Penal
Code.

3. Allegation against the petitioner is that he along
with other co-accused persons (not named in the F.I.R.)
assaulted the driver of informant's vehicle and stolen the tractor
by tying the hands and legs of the driver in night.

4. It is submitted by learned counsel for the
petitioner that no such occurrence as alleged ever took place.
He is quite innocent and has been falsely implicated in this case.
He is neither named in the F.I.R. nor was apprehended on the
spot. No incriminating article has been recovered from his
conscious physical possession. The allegation levelled against



the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused, which has no evidentiary value in the eye of law. The chargesheet has been submitted against the petitioner under Section 395 of the Indian Penal Code. The petitioner has four criminal antecedents. It is further submitted that several similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court and those orders have been annexed as Annexure-4 to this application. The petitioner surrendered on 20.03.2024 but remanded in the present case on 23.03.2024.

5. Learned APP for the State opposed the bail petition.

6. Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Gopalpur P.S. Case No.189 of 2020, subject to the following conditions :

(i) One of the bailors will be his own blood relative,



preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

Trivedi/-

U			
---	--	--	--

