

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47378 of 2024

Arising Out of PS. Case No.-721 Year-2020 Thana- MUFFASIL District- West Champaran

Md. Naushad @ Naushad Alam SON OF S.K. SAJJAD @ SHEAKH
SAJJAD VILLAGE- BELA SHEIKHTOLI, WARD NO. 9, PS-
RAMGADHWA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Adv.

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bettiah (M) Banuchhapar P.S. Case No. 721 of 2020 registered for the offences punishable under Sections 394 of the Indian Penal Code on the point of knife and katta.

3. As per prosecution case, 4 unknown persons snatched mobile and cash of 25,000/- and took away tractor of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as alleged in the first information report. The name of the petitioner has surfaced in this case on the confessional statement

of co-accused Shahnawaj Mian recorded on 14.12.2020 and the alleged truck was recovered on the same day at village Rajapur at Kotwa. No incriminating article has been recovered either from the conscious possession of this petitioner or from the house of the petitioner. Petitioner has not been put on T.I.P. Petitioner has been falsely implicated in altogether five cases on a single day without any reason or basis. The act of police indicates the highhandedness how the petitioner has been falsely implicated in the present case. Further, co-accused Ramlal Sah, who has also confessed the name of this petitioner, has been granted bail by this Court vide order dated 24.11.2022 in Cr. Misc. No. 44947 of 2022 and the case of the present petitioner stands on better footing as petitioner is in custody since 20.03.2024. Petitioner had voluntarily surrendered in this case on 20.03.2024 before the Chief Judicial Magistrate, Bettiah and since then he is in custody. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the

case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and the co-accused has been granted bail by this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (M) Banuchhapar P.S. Case No. 721 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence even on a single date without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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