

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51571 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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TASIR ALAM, Son of Rozid Mian @ Royid Miya, resident of Village-
Ajagari Masjidwa Tola, P.S.- Banjariya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sharad Kumar Verma, Advocate
		Mr. Abhishek Kumar, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-09-2024 Heard Mr. Sharad Kumar Verma, learned Advocate
for the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Muffasil P.S. Case No. 24 of 2023 registered
for the offence punishable under Section 392 of the Indian Penal
Code.

3. Allegedly while the informant was coming to his
house on a motorcycle, in the meantime, three persons boarded
on a motorcycle overtook the motorcycle of the informant and
on the point of pistol, looted his motorcycle and other valuable
articles.

4. Learned Advocate for the petitioner contended that
the F.I.R. has been instituted against unknown miscreants,



however, during the course of investigation, one of the co-accused Guddu Sahani was apprehended and the name of the petitioner has surfaced on the basis of confession made by co-accused Guddu Sahani. Save and except the confession, as aforenoted, there is no material suggesting the complicity of the petitioner in the crime. It is next contended that in fact a long list of the criminal antecedent is the reason for false implication of the petitioner in the crime, in question, without there being any material, as such, it appears to be a malicious prosecution at the hands of the police personnel. The petitioner has neither been put on Test Identification Parade nor any incriminating material has been recovered from the possession of the petitioner till date and the petitioner has been incarcerated since 27.03.2023. Moreover, the co-accused person, whose name has also been transpired on the confessional statement of Guddu Sahani, has been allowed the privilege of bail in Cr. Misc. No. 50727 of 2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner appears to be a habitual offender, as his name has transpired in eight criminal cases, the particulars of which have been duly mentioned in para.3 of the bail application.



6. Regard being had to the submission made on behalf of the parties and considering the fact that the entire case is based on confessional statement, moreover, co-accused person, having identical allegation, has been allowed the privilege of bail, coupled with the period of custody; moreover mere criminal antecedent of a person cannot be a sole ground to keep him behind the bar for an indefinite period, unless there is cogent material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Muffasil P.S. Case No. 24 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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