

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62726 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- KASBA District- Purnia

Md. Absar @ Lakki @ Avsar @ Md. Absar Alam @ Mohammad Absar Alam,
S/o Md. Kasim @ Md. Quasim, R/O Village- Chakardah Ward No 08, P.S.-
Araria, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jainandra Kumar, Advocate
		Mr. Ranjeet Choubey, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2024 Heard Mr. Jainandra Kumar, learned Advocate for the
petitioner and learned Additional Public Prosecutor for the
State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kasba P.S. Case No. 110 of 2024 registered
for the offences punishable under Sections 392, 395 and 412 of
the Indian Penal Code and Sections 25(1-b)a, 26, and 35 of the
Arms Act.

3. Allegedly while the informant along with other two
persons were coming on a Honda Shine motorcycle, in the
meantime, a car overtook his motorcycle and on the point of
pistol, looted the motorcycle and mobile of the informant and
others.



4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, the name of the petitioner has surfaced on the confessional statement of co-accused Md. Wazuddin, from whose possession the alleged looted mobile has been recovered. It is further contended that the name of the petitioner has surfaced on the confessional statement of co-accused and thereafter the police raided the house of the petitioner from where one Wagon-R car and motorcycle were recovered, however, the same are not the subject matter of the crime. The co-accused Md. Mojammil, having identical allegation, has been allowed the privilege of regular bail in Cr. Misc. No. 53155 of 2024 vide order dated 07.08.2024. It is lastly contended that be that as it may, now the investigation of the crime is complete and charge-sheet has been submitted. The petitioner is in custody since 17.05.2024, but till date the petitioner has not been put on Test Identification Parade.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that during the course of investigation, cogent materials have come suggesting the complicity of the petitioner in the present crime.



It is also contended that the petitioner bears two criminal antecedent, as has been mentioned in para. 3 of the application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that investigation of the crime is complete and charge-sheet has been submitted but without there being any TIP, coupled with the fact that co-accused persons, having identical allegation, has been allowed the privilege of bail, let the petitioner, named above, 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 learned District & Sessions Judge, Purnea in connection with Kasba P.S. Case No. 110 of 2024, 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)

uday/-

U		T	
---	--	---	--

