

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70953 of 2024**

Arising Out of PS. Case No.-265 Year-2023 Thana- NAUGACHIA District- Bhagalpur

Md. Fateh Alam, Son of Md. Idrish @ Md. Idaris, Resident of Village -Gulam
Rasool Tola P.S. -Puraini, Dist- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Akshay Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 22-11-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Naugachia P.S. Case No. 265 of 2023 registered for the

offence under Section 392 of the Indian Penal Code.

3. The petitioner is not named in the F.I.R. and is in

custody since 15.09.2023.

4. The allegation against the petitioner is to commit

robbery alongwith other co-accused persons and while

committing so, looted a mobile phone belongs to the

informant.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner has been falsely implicated with the present case as his name surfaced in the present case on the basis of his self-inculpatory statement as made in Dholbajja (Kadwa) P.S. Case No. 79 of 2023. It is further submitted that, in furtherance of his confessional statement, no incriminating material recovered/surfaced, so as to connect this petitioner *prima facie* with the present occurrence of robbery. It is submitted that petitioner was not put on T.I.P., as yet. While concluding argument, it is submitted that one of the reason behind false implication is also the criminal antecedents of the petitioner, as he found involved in 20 more criminal cases of almost similar nature, where in almost all cases, his name transpired on the basis of confessional statement of co-accused persons or self-confession as of present case, having otherwise no evidentiary value under law and moreover, investigation of this case has already completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State,



opposes the prayer for bail.

7. In view of aforesaid facts and circumstances, as mentioned above and by taking note of the fact as save and except suspicion arising out of self-confession of petitioner, where nothing incriminating recovered, so as to connect this petitioner, *prima facie*, with the present occurrence of robbery, coupled with the fact that petitioner is in custody since 15.09.2023, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Naugachia P.S. Case No. 265 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Naugachia/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./under Section 480(3) of the BNSS and with further conditions:-

(i) That petitioner shall not indulge in similar nature of case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That one of the bailors shall be



deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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