

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79724 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- KADWA District- Katihar

TAUSIF RAZA @ MD. TOUSIF RAZA @ MD. GUDDU @ GUDDU SON
OF MD. SALAL RESIDENT OF VILLAGE- KHARBANNA, P.S.-
HASANGANJ, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Musowir

For the Opposite Party/s : Mr.Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 26-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Kadwa P.S. Case No.197 of 2023 registered for the offence
under Sections 461, 379, 413, 414, 411 and 382 of the Indian
Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

3. Allegation against the petitioner is to have
committed loot in the ATM, while raid at the place of
occurrence, recovered one knife, mobile and a loaded country
made pistol with cartridge from his possession, along with other
co-accused persons.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been



implicated in the present case, merely on the basis of suspicion. It is submitted that nothing incriminating articles were recovered from the possession of this petitioner, which may connection him with the present set of occurrence. It is also submitted that similarly situated co-accused persons have already been granted bail by different learned co-ordinate Benches of this Court through Cr. Misc. No. 81101 of 2023 on 22.12.2023 and Cr. Misc. No.83657 of 2023 on 04.01.2024. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 06.09.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Kadwa P.S. Case No.197 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of



this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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