

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8347 of 2024

Arising Out of PS. Case No.-46 Year-2023 Thana- JOKIHAT District- Araria

=====

ASGAR ALI @ ASGAR S/o Shah Bakrid @ Bakarid Shah Resident of
Village-Gaiyari, Ward No.-13, Araria, P.S.-Araria, Distt.-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv

For the Opposite Party/s : Mr. Harendra Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

14 18-04-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Jokihat P.S. Case No. 46 of 2023 registered for the offences punishable u/s 406 and 494 of the I.P.C.

3. As per the prosecution case, on 04.02.2023 the informant, namely, Md. Shamshad was driving a swift Dzire car and he parked the vehicle near Bihar Talkies, Purnea Bus-stand, in the meantime, some unknown persons came and started assaulting the informant with a sharp cutting weapon and they looted the said car of the informant and snatched his mobile phone, cash, and key of vehicle and fled away.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and he is not named in the FIR and his name has transpired in this case on the basis of confessional statement of the apprehended co-accused, namely, Md. Soab. It is next submitted that the petitioner has been falsely implicated in this case at the behest of Md. Soab against whom he had earlier filed a case bearing Araria P.S. Case No. 897 of 2022 dated 03.10.2022. It is further submitted that there is nothing on record to connect the petitioner with the alleged crime and no incriminating material has been recovered from the conscious possession of the petitioner. It is lastly submitted that the petitioner has three criminal antecedents and is in custody since 28.11.2023.

5. Learned APP for the state has vehemently opposed the prayer for bail and has stated that the petitioner is the leader of the gang, who indulges into such kind of loot and the petitioner also carries criminal antecedent, hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions of the parties and taking into account the fact that the petitioner was not apprehended at the place of occurrence and his name has surfaced in the confessional statement of the co-accused Md. Soab coupled with the fact that the petitioner is in custody since



28.11.2023, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria, in connection with Jokihat P.S. Case No. 46 of 2023.

7. If, the petitioner is found involved in similar nature of offence in the future, the prosecution will be at liberty to move for cancellation of his bail bonds.

8. The application stands allowed.

(Sourendra Pandey, J)

Jyoti/-

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

