

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20108 of 2025

Arising Out of PS. Case No.-135 Year-2022 Thana- SINGHESHWAR District- Madhepura

Md. Afo @ Md. Mahfooj Alam Son of Md. Mohsin Alam R/o Madhepura
Jhitikiya, Ward No.- 6, P.S.- Singheshwar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shahabuddin Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2025 Heard Mr. Rupesh Kumar, learned counsel for the

petitioner and Mr. Shahabuddin Azeem, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Singheshwar P.S. Case No. 135 of 2022, F.I.R. dated 03.06.2022 for the offences punishable under Section 392 of the Indian Penal Code.

3. According to prosecution case, when the informant was returning to his house, two youth riding on a motorcycle overtook the informant and looted away his mobile phone and fled away.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that although



petitioner is named in the F.I.R. but from perusal of the F.I.R. , it appears that there is specific allegation of sanching is attributed against the co-accused person, namely, Md. Sonu and the name of the petitioner has been transpired on the basis of confessional statement made by co-accused person. Apart from that after some time, both the parties have filed a compromise petitioner before the learned Court below on 29.06.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner has clean antecedent and the name of the petitioner has been transpired on the basis of confessional statement made by the co-accused person, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura, in connection with Singheshwar P.S. Case No. 135 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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