

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27139 of 2025

Arising Out of PS. Case No.-94 Year-2023 Thana- KOTWA District- East Champaran

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Junaid @ Junaid Alam Son of Karmullah @ Farmullah R/O Village -
Gobindapur, P.S.- Harsidhi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Eashita Raj, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2025 Heard Ms. Eashita Raj, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
30.11.2024, in connection with Kotwa P.S. Case No. 94 of 2023,
F.I.R. dated 11.03.2023 registered for the offences punishable
under Sections 395, 412 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with other co-accused persons have assaulted the informant and
looted the pickup van consisting of 22 quintals of chicken, cash
Rs. 70,000/-, Smart Phone and wrist watch of the informant.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. As per the confessional statement of co-accused persons the vehicle was recovered from the possession of co-accused persons namely Aliyas and Naseem and till date no test identification parade was conducted by the prosecution. He further submits that similarly situated co-accused person namely Afsaar Khan has been granted bail by a Coordinate Bench of this Court vide order dated 25.08.2023 in Cr. Misc. No. 54991 of 2023, another co-accused person namely Ram Pravesh Kumar has been granted bail by this Court vide order dated 21.09.2023 in Cr. Misc. No. 61681 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 30.11.2024.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and



nothing was recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution as well as similarly situated co-accused persons have been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Kotwa P.S. Case No. 94 of 2023, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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)

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