

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71952 of 2019

Arising Out of PS. Case No.-552 Year-2019 Thana- KHAJANCHI HAT District- Purnia

MD. SHAMIM Son of Md. Khalid Mansuri @ Md. Khalid Resident of
Village - Murgi Farm (Lanka Tola), P.S.- K. Hat, Distt.- Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Syed Mojibur Rahman,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking regular bail in connection with K. Hat P.S. Case no. 552 of 2019 registered for the offences punishable under Sections 461, 379, 411 of the Indian Penal Code.

Pursuant to the last order dated 04.12.2019 a supplementary affidavit has been filed today.

Supplementary affidavit thus, disclosed that this petitioner had made a wrong statement in paragraph '3' of the petition as the petitioner has given one case being Khazanchi Hat P.S. Case No. 115 of 2019 registered under Section 290 of the Indian Penal Code and Section 37 (C) of the Bihar Prohibition and Excise Act in which the police has submitted a



chargesheet and he is on bail.

In fact the impugned order itself speaks about the previous case but learned counsel for the petitioner has while drafting the petition ignored that specific information available in the impugned order. This shows that the learned Advocate Mr. Manish Kumar, A.O. R. No. 7126 has not maintained the minimum standard of the professional skill and competence. The deponent is an illiterate lady.

Considering that this has taken place for the first time and the learned Advocate has realized his mistake and submitted before this Court that in future he will be cautious in this regard, this Court is not proceeding further with this aspect.

So far as the present case is concerned, the allegation against the petitioner is that from his possession some cloths garments have been recovered.

Learned counsel for the petitioner submits that the petitioner is a door to door garments seller and he has purchased clothes from the wholesale market, he is in custody since 03.08.2019 and now chargesheet has been filed against him in this case. It is submitted that if the petitioner is released on bail, there is no chance of his absconding or tampering with the prosecution evidence.



Learned APP has though opposed the prayer for regular bail of the petitioner, however, it is an accepted position that now the investigation is complete and chargesheet has already been filed.

Considering the facts and circumstances of the case, nature of the allegations and the kind of submissions made before this Court as also that there is no submission against the petitioner that after release on bail he is likely to abscond or may tamper with the evidence, let the petitioner above named be released on bail in connection with K. Hat P.S. Case No. 552 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnia, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any Police officer or
tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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