

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13740 of 2021**

Arising Out of PS. Case No.-327 Year-2020 Thana- BAHADURGANJ District- Kishanganj

Md Chand @ Md Chand Ansari, Son of Aslam Ansari Resident of Village-
Patti Mill Birnia, Ward No. -05, P.S.- Bahadurganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, Adv.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

5 18-11-2021 The applicant/accused in Crime No.327 of 2020 registered with Police Station Bahadurganj for the offences punishable under Sections 341, 323, 419, 420, 384, 385 of the Indian Penal Code registered at the instance of Md. Enamul Haque is praying for his release on bail during pendency of the trial.

The learned counsel for the applicant argued that the applicant is behind bar from 01.11.2020. He submits that applicant is having two criminal antecedents, but considering the period of his pre-trial detention, by imposing stringent conditions, as a last chance he may be released on bail.

The learned Prosecutor has opposed the application by contending that the applicant is repeated offender and, therefore, the application deserves to be dismissed.



I have considered the submissions so advanced and also perused the material placed before me including the FIR.

First Informant Md. Enamul Haque is a driver of a truck. He averred that by stopping him at the petrol-pump of Bahadurganj, the applicant tried to extract money from him by threatening him by posing as a police. He stated that he paid an amount of rupees one thousand but then people gathered on the spot and caught the applicant raid handed.

The applicant is having two such similar criminal antecedents and he is on bail in both those crimes.

In the case in hand, the charge sheet has already been filed. If the prosecution so desires, it can prefers an application for cancellation of bail granted to the applicant in those two previous crimes. However, I am of the considered opinion that as the applicant is behind bar for a period of more than one year, he needs to be granted liberty by imposing some stringent conditions. Hence the order.

i. The application is allowed.

ii. The application/accused in Crime No.327 of 2020 registered with police station Bahadurganj is directed to be released on bail on executing P.R. bond of Rs.25,000/-(Rupees Twenty Five Thousand) and on furnishing one or two sureties in



the like amount to the satisfaction of the learned trial court.

As a condition of his bail, the applicant should not indulge in commission of any offence in future and if this condition is violated, the prosecution shall be entitled to apply to this Court for cancellation of bail granted to the applicant.

The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

The applicant to attend the trial court on each and every date of hearing and to co-operate the trial court in expeditious disposal of the trial.

The trial court shall be free to issue non-bailable warrant on failure of the applicant to abide by this condition.

(A. M. Badar, J)

Prakash Narayan /-

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