

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14523 of 2021**

Arising Out of PS. Case No.-73 Year-2016 Thana- NIMCHAKBATHANI District- Gaya

MD. SHAKIL @ MD. SHAKIL AHMAD Son of Late Alidaz Resident of
Village- Manjholi, P.S.- Neemchak Bathani, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv.

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 30-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Neem Chak Bathani P.S. Case No.73/2016 registered for the offences punishable under Sections 147, 148, 149, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that that in the F.I.R. there are altogether 11 accused persons and the allegation against all of them is that of resorting to indiscriminate firing and threatening the shopkeepers to



close their shop, however no injury has been caused to any person in the alleged occurrence. He further submits that the petitioner is said to be a panchayat teacher and he has no concern with the motorcycle seized by the police. It is submitted that the petitioner is in custody for over one year.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that in the F.I.R. there are altogether 11 accused persons and the allegation against all of them is that of resorting to indiscriminate firing and threatening the shopkeepers to close their shop, however no injury has been caused to any person in the alleged occurrence, the petitioner is said to be a panchayat teacher and he has no concern with the motorcycle seized by the police, he is in custody for over one year, investigation against him is complete but the trial is not likely to be concluded in near future, in the three cases against the petitioner he is on bail, in the circumstances, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Xth, Gaya in connection with Neem Chak Bathani P.S. Case No.73/2016, 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.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

