

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32917 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- KURSAKANTA District- Araria

MD JAMSHED @ MD SHAMSHAD @ MD SHAMSHED S/o- Late
Niyamat Resident of Village - Megha, Ward no. 6, P.S. Kursakanta (kuwari
O.P.), District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Kursakanta (Sonamani Godam) P.S. Case No. 27 of 2021 (G.R.

No. 394 of 2021) registered for the offence under Sections

461, 379, 411 and 34 of the Indian Penal Code.

The case relates to theft of Amplifier and Battery.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. In fact, no stolen articles as alleged in



the F.I.R. have been recovered from the house or conscious possession of the petitioner. As a matter of fact, the seizure list does not contain the signature of the petitioner which is evident from the seizure list itself. The petitioner is rotting in judicial custody since 04.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M.-III, Araria in connection with Kursakanta (Sonamani Godam) P.S. Case No. 27 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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)

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