

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33996 of 2021

Arising Out of PS. Case No.-772 Year-2020 Thana- ARARIA District- Araria

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1. SHAHNAWAZ @ MD SHAHNAWAZ Son of Jabir Resident of Village - Mahisa Kol Ward No.8, P.S.- and Dist.- Araria.
 2. SHAHNAWAZ ALIAS MD SHAHNAWAZ MAHISA KOL WARD NO.8 THANA ARARIA DISTRICT ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2021 Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners seek regular bail in connection with

Araria P.S. Case No.772 of 2020 registered for the offence under

Sections 394 of the IPC.

As per prosecution case, the accused persons took out

the cash amount of Rs.9500/- from the pocket of the informant

and also a mobile along with some parcel packets.

Learned counsel for the petitioners submits that the



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioners and they are not named in the FIR. Petitioners are in custody since 21.12.2020.

However, learned APP for the State vehemently opposed the prayer for regular bail.

In the facts and circumstances of the case, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case no. 772 of 2020 with following conditions:-

(i) Petitioners 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 absence on two consecutive dates without sufficient reason, bail bond shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) That one of the bailors will be a close relative of



the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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