

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37919 of 2021

Arising Out of PS. Case No.-351 Year-2019 Thana- PARSABAZAR District- Patna

MD. SHIBU Son of Late Md. Firoz R/o Isapur Apartment, P.S.- Phulwari Sarif, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Parasa Bazar P.S. Case No. 351 of 2019 registered for the offences punishable under Section 392 of the IPC.

The FIR of the occurrence of loot is against unknown.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that petitioner is not named in the FIR. Name of the petitioner transpired on the basis of confessional statement of



co-accused Ajay Kumar @ Santu. Learned counsel further submits that police after investigation has filed the charge sheet against the petitioner. It is further submitted that co-accused Ajay Kumar @ Santu has been granted bail by a co-ordinate Bench of this court vide order dated 20.03.2020 passed in Cr. Misc. No. 2092 of 2020. Similarly, co-accused Md. Shamsad @ Chotu has been granted bail by a co-ordinate Bench of this court vide order dated 24.11.2020 passed in Cr. Misc. No. 30909 of 2020. Petitioner is in custody since 13.03.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries five criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-III, Patna in connection with Parasa Bazar P.S. Case No. 351 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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