

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37817 of 2021

Arising Out of PS. Case No.-205 Year-2017 Thana- BARAULI District- Gopalganj

AFJAL ALI @ PAPPU Son of Rashid Mian @ Abdur Rashid Resident of
Village - Kotwa, P.S.- Barauli, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-12-2021 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 Barauli P.S. Case No. 205 of 2017 registered for the offence under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

One country made Carbine along with magazine is alleged to have been recovered from the F.I.R. named accused.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the petitioner has been made accused in this case on the basis of confessional statement of the co-accused, namely, Irshad against whom the petitioner is having a land dispute. Nothing has been recovered from the conscious possession of the petitioner. Moreover, the co-accused, Irshad Alam and Hasmuddeen @ Hasmuddin have been granted bail by a co-ordinate Bench of this Court vide order dated 08.02.2018 and 02.05.2018 passed in Cr. Misc. No. 1979 of 2018 and Cr. Misc. No. 25421 of 2018, respectively. The petitioner is rotting in judicial custody since 12.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that one more case other than the present one is pending against 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 Judicial Magistrate, Gopalganj in connection with Barauli P.S. Case No. 205 of 2017 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)

braj/-

U		T	
---	--	---	--

