

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32616 of 2020

Arising Out of PS. Case No.-122 Year-2020 Thana- PHULWARIYA District- Gopalganj

SHAKTI @ PARWEZ ALAM S/o Reyajuddin Ahmad R/o village- Ahirauli,
P.S.- Phulwaria (Sripur O.P.), District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Javed Aslam,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-01-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Phulwaria P.S. Case No. 122 of 2020 registered for the offences punishable under Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that the informant in his written report alleged that on 23.05.2020 in the evening while he was on way to his house, he was intercepted by two persons riding on motorcycle and on the order of petitioner who was driving the vehicle the co-accused Prince who was the pillion rider gave knife blow and caused injury to him and snatched his mobile, PAN card and cash.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner submits that although the petitioner is named in the FIR but there is no allegation of causing



any injury to the informant. It is further submitted that nothing has been recovered either from conscious possession of the petitioner or from his house.

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

Having regard to the facts and circumstances of the case, wherein though the petitioner is named in the FIR and he was allegedly driving the motorcycle, there being no allegation of causing assault and injury to the informant and further that the recovery has been made from the house of the co-accused and not from this petitioner, the petitioner has otherwise no criminal antecedent, he has remained in jail for 8 months, investigation against him is complete and there is no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of court of Sri Rajeev Pandey, Judicial Magistrate, 1st Class, Gopalganj, in connection with Phulwaria P.S. Case No. 122 of 2020, 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 he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

(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'.

