

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47298 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- KALUAHI District- Madhubani

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NASIRUDDIN @ BHULLA Son of Phulhasan Rai Resident of village -
Akaunha, P.S.- Deodha, Dist.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-12-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf
of the petitioner, which forms part of this application.

The petitioner seeks bail in connection with
Kaluahi P.S. Case No. 17 of 2020 corresponding to C.R.I. No.
155 of 2020 registered for the offence under Sections 468,
471, 414 and 34 of the Indian Penal Code.

The petitioner is alleged to have engaged in dealing
with illegal liquor with a stolen motorcycle, which has been
seized by the police.

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, Laxmi Kumar, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 23.09.2020 passed in Cr. Misc. No. 25191 of 2021. Save and except the confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. Nothing incriminating as alleged in the F.I.R. has been recovered from the conscious possession of the petitioner. The petitioner is rotting in judicial custody since 27.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

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-1st, Class, Madhubani in connection with Kaluahi P.S. Case No. 17 of 2020 corresponding to C.R.I. No. 155 of 2020 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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