

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51672 of 2021**

Arising Out of PS. Case No.-122 Year-2020 Thana- AKBARNAGAR District- Bhagalpur

MD. LAL @ ASIF S/o MD. HASHIM R/o ALINAGAR, MAULANACHAK,
P.S-MOJAHIDPUR, DISTRICT-BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 01-12-2021 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 S.T. No. 308 of 2021 arising out of Akbarnagar P.S. Case No.122 of 2020 registered for the offence under Sections 394, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Four unknown persons are said to have fired upon Shivam Kumar and took away his bag containing Rs.25,00000/-.



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 not been named in the F.I.R. but he has been made accused in this case on the confessional statement of the co-accused. Subsequently, the petitioner has confessed his guilt before the police which does not have evidentiary value in the eye of law. The petitioner has not been put on T.I. Parade as yet. Moreover, the co-accused, namely, Md. Bholu @ Alisher, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.10.2021 passed in Cr. Misc. No. 39354 of 2021. The petitioner is rotting in judicial custody since 28.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner bears one more case 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 Additional Sessions Judge-X, Bhagalpur in connection with S.T. No. 308 of 2021 arising out of



Akbarnagar P.S. Case No. 122 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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