

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2126 of 2021

Arising Out of PS. Case No.-258 Year-2020 Thana- PALASI District- Araria

1. ASFAQUE @ MD. ASFAQUE Son of Md. Mohiuddin @ Mohiuddin Resident of Village - Shyampur Ward No. 10, Police Station - Palasi, District - Araria.
2. Md. Maiharban @ Maiharban @ Guddu Son of Asfaque Resident of Village - Shyampur Ward No. 10, Police Station - Palasi, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-03-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners in the present case are seeking regular bail in connection with Palasi P.S. Case No.258 of 2020 registered for the offences punishable under Sections 341, 323, 307, 354B, 379 and 503/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner no.1 has expired in custody. This application is, thus, not pressed as regards petitioner no.1.



Learned counsel for the petitioner no.2 submits that that the petitioner no.2 has been falsely implicated in this case, there is no allegation of assault against him and an ornamental allegation has been made that he has snatched away Rs.25,000/- from the pocket of the brother of the informant on the point of knife. Learned counsel submits that the petitioner no.2 has otherwise no criminal antecedent and he has remained in jail in connection with this case since 23.09.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner no.2.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner no.2 that he has been falsely implicated in this case, there is no allegation of assault against him and an ornamental allegation has been made that he has snatched away Rs.25,000/- from the pocket of the brother of the informant on the point of knife, the petitioner no.2 has otherwise no criminal antecedent, he has remained in jail in connection with this case since 23.09.2020, investigation against him is complete and there is no submission of the State that release of the petitioner no.2 at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner no.2 above



named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Araria in connection with Palasi P.S. Case No.258 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 the court below shall verify the criminal antecedent of the petitioner no.2 and in case at any stage it is found that the petitioner no.2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no.2. 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.

(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'.

