

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7192 of 2021**

Arising Out of PS. Case No.-223 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

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MD GULZAR s/o- MD MOJIBUL RAHMAN R/O- VILL- NASPATTI, P.S.-
LADANIA, DIST- MADHUBANI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Akshay Lal Pandit kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-04-2021 Learned Counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akshay
Lal Pandit, learned APP for the State.

The petitioner in his second attempt in the present case is
seeking regular bail in connection with Madhubani Town P.S. Case
No. 223 of 2019 registered for the offences punishable under Section
379, 401, 413 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier
prayer for regular bail of the petitioner was rejected vide order dated
06.02.2020 passed in Cr. Misc. No 6880 of 2020 granting liberty to
renew his prayer for bail after framing of charge. It is submitted that
now charges have been framed in this case against the petitioner.

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, the fact that the case is under Sections 379, 401 and 413 of the Indian Penal Code and earlier the prayer for bail of the petitioner was rejected by the learned predecessor Bench vide order dated 06.02.2020 in Cr. Misc. No 6880 of 2020 with liberty to the petitioner to renew his prayer for bail after framing of charge, the submission being that the charge has already been framed and the petitioner has remained in custody thereafter about one year four months and he is in custody in connection with this present case since 20.06.2019 and in the cases stated in paragraph '3' the petitioner is on bail, this Court directs to release the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Madhubani in connection with Madhubani P.S. Case No. 223 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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.

The application stands 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'

