

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3268 of 2022**

Arising Out of PS. Case No.-91 Year-2020 Thana- MANSURCHAK District- Begusarai

Md. Nadeem, Son Of Md. Naim, R/O Village- Chaklokman, Gudri Bazar,  
Dalsinghsarai, P.S.- Dalsinghsarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gaurav Kumar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      02-11-2022      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Mansurchak P.S. Case No. 91 of 2020 registered  
for the alleged offences under Sections 307, 353 and 34 of the  
Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, police received information  
about miscreants looting gold from a jewellery shop and fleeing  
away by a car. Cordoning and search was started and when the car  
of the miscreants was tried to be intercepted, firing was made from  
this car and 4-5 miscreants fled away with their car. During  
investigation the name of the petitioner surfaced as one of the



miscreants who was present in the said car.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He has not been apprehended from the spot and nothing incriminating has been recovered from his possession. The petitioner has been roped in this case on the basis of confessional statement of co-accused Saurav Kumar and except for this statement there is nothing against this petitioner. It is also clear that no one suffered any injury during the course of alleged firing. Further, only general and omnibus allegation have been leveled against the petitioner and others. No Test Identification Parade has been carried out till date and the petitioner is in custody since 20.04.2021. Charge sheet has been submitted in this case.

Learned APP appearing for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and is accused in a number of cases of similar nature.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the period of custody along with the submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Additional District Judge-VIII<sup>th</sup>, Begusarai in connection with Mansurchak P.S. Case No. 91 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

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**(Arun Kumar Jha, J)**

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