

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8608 of 2022**

Arising Out of PS. Case No.-123 Year-2021 Thana- RAGHUNATHPUR District- Siwan

Md.Shamsher Ali @ Shamsher Ali S/O Kyamuddin @ Kyamuddin Miya R/O
Village- Chakia, P.S.- Siwan Muffasil (Mahadeva O.P.), District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s :Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 10-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), as pointed out by the office, be re-
moved within a period of four weeks from today.

The petitioner seeks bail in connection with Raghu-
nathpur P.S. Case No. 123 of 2021 for the offences punishable
under Section 394 of the Indian Penal Code.

The prosecution case, in short, is that on 05.07.2021,
the informant along with his wife and children were going to his
Sasural and at 09:30 pm, they were surrounded by some miscre-
ants and snatched golden chain, purse, cash of Rs. 12,000/-,
A.T.M. card, Debit card, license and from his wife, they
snatched golden chain and rings. Thereafter, they assaulted on
the head of the informant by iron rod and fled away.



Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. No incriminating articles have been recovered from the conscious possession of the petitioner. Till date, no Test Identification Parade (T.I.P) has been held. The petitioner is in custody since 16.08.2021 and has antecedent of seven cases.

Learned A.P.P. for the State opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances as well as the fact that petitioner has got criminal antecedent of similar nature of cases, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected. However, the learned court below, where the case is pending, is directed to release the petitioner on bail, **after framing of charge**, in connection with Raghunathpur P.S. Case No. 123 of 2021, in addition to subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every dated 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 cancelled by the Court below.

(2) One of the bailors will be his own blood relation



preferably father, mother, brother, sister and or his wife.

(3) 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.

(4) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(Khatim Reza, J)

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