

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19800 of 2021**

Arising Out of PS. Case No.-758 Year-2019 Thana- SIWAN CITY District- Siwan

MASOOM @ FARUKH Son of Shamsul Haque Resident of Village - Purani
Kila, P.S.- Nagar, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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

4 24-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf
of the petitioner, which forms part of this application.

The petitioner seeks bail in connection with S.T.
No. 184 of 2020 arising out of Siwan (Nagar) P.S. Case No.
758 of 2019 registered for the offence under Sections 394,
307, 302/34 of the Indian Penal Code and Section 25(1-b)a,
26, 27 and 35 of the Arms Act.

The case relates to commission of robbery causing
firearm injury.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, no specific allegation of overt act is attributed to the petitioner. There is no eye witness to the alleged occurrence. No arms as alleged in the F.I.R. have been recovered from the possession of the petitioner. Moreover, the co-accused, namely, Sajid Husain @ Situ @ Shajeed, has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2021 passed in Cr. Misc. No. 31170 of 2020. The petitioner is rotting in judicial custody since 31.12.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 District and Sessions Judge-X, Siwan in connection with S.T. No. 184 of 2020 arising out of Siwan (Nagar) P.S. Case No. 758 of 2019 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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