

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14928 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- DUMRAO District- Buxar

Md. Jabir Shah @ Jabri Shah @ Phul Shah S/o Md. Nazir Sah R/o village-
Sarimpur, P.S.- Buxar (Industrial), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ajit Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sessions Trial No. 269 of 2021 arising out of
Dumraon P.S. Case No. 22 of 2021 for the offences punishable
under Sections 399, 402 of the Indian Penal Code and Sections
25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, it is alleged that the police
on a secret information that some accused persons have
assembled in the campus of pipe factory and they were planning
to commit crime, raided to the spot and it is alleged that the
petitioner and other co-accused persons were arrested at the



spot.

It is submitted by the learned counsel appearing on behalf of the petitioner that in fact no recovery has been made from the conscious possession of the petitioner but only because of the past criminal antecedent of the petitioner, his name has been implicated in this case. It is next submitted that the other co-accused persons having similar allegations and from whom recovery has also been made, they have been granted bail by different co-ordinate Benches of this Court in Cr. Misc. No. 33543 of 2021, Cr. Misc. No. 38803 of 2021, and Cr. Misc. No. 32596 of 2021, the copies of which have been brought on record by way of Annexure-2 series to this application.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has one criminal antecedent as has been disclosed in para 3 of this petition.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that no incriminating material has been recovered from the person or possession of this petitioner and he is in custody since 14.01.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty



thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Sessions Trial No. 269 of 2021 arising out of Dumraon P.S. Case No. 22 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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