

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12559 of 2022

Arising Out of PS. Case No.-116 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

MD. KASIM, Son of - Md. Hafiz, Resident of Village - Belka, P.S. - Vaishali,
District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Kanchan Kumari, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-08-2022 Learned counsel for the petitioner is directed to
remove all the defects pointed out by the office.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain
regular bail in connection with Sadarhajipur P.S. Case No. 116
of 2020 registered for the offences punishable under Section
406, 420, 120(b), 395 and 412 of the Indian Penal Code. He is
in custody since 12.05.2020. The petitioner has got seven
criminal antecedents.

Learned counsel for the petitioner submits that prayer
for bail of this petitioner was rejected on 19.07.2020 in Cr.Misc.
No. 38888 of 2020 after noticing that the petitioner has got
seven criminal antecedents and his name has transpired in the



confessional statement of co-accused Sonu Kumar.

Learned counsel submits that the petitioner is in custody since 12.05.2020. The co-accused Sonu Kumar has already granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 60804 of 2021.

Learned counsel submits that considering the period of custody and that petitioner's name has transpired in the confessional statement of the co-accused, he deserves privilege of bail. It is submitted that till date only charge has been framed and no witness has deposed.

Mr. Md. Fahimuddin, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, considering that the petitioner has remained in custody for two years and three months approximately and till date only charge has been framed and in the meantime, co-accused Sonu Kumar has already been granted bail, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. IX, Vaishali in connection with Sadarhajipur P.S. Case No. 116 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.



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 steps 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.

Certified copy of the order will be made available only after removal of the defects.

(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'.

