

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13252 of 2022

Arising Out of PS. Case No.-105 Year-2019 Thana- GANDHIMAIDAN District- Patna

Md. Tahmid @ Simmi @ Chimmi S/O Late Md. Kaish R/O Mohalla-
Bakarganj (Moharrampur), P.S.- Pirbahore, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner has filed the
supplementary affidavit today in court.

Let it be kept on record.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/120B of the Indian Penal
Code and Section 27 of the Arms Act.

Earlier, prayer for bail of the petitioner was rejected
vide order dated 19.07.2021 in Cr. Misc. No. 6009 of 2021.

In pursuance to the order dated 30.03.2022, status
report of trial in connection with Gandhi Maidan P.S. Case No.
105 of 2019 has been received and kept at Flag-P, in which it is
reported that at present case is pending at the stage of
appearance. Charge is yet to be framed as such it seems that one



year time is likely to be consumed in final disposal of the case.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case. He submits that charge has been framed against the petitioner and others on 29.04.2022. He submits that similarly situated co-accused has already been granted bail by a Bench of this Court on 18.12.2019 in Cr. Misc. No. 61023 of 2019. He further submits that petitioner is languishing in judicial custody since 28.03.2019.

Learned APP for the State opposed the prayer for bail.

Considering the facts that similarly situated co-accused has already been granted bail, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with S.Tr. No. 868 of 2019 arising out of Gandhi Maidan P.S. Case No. 105 of 2019, subject to the conditions:

(I) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform



the court if there is any change in the address of the petitioner.

(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated 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 proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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