

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14406 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

JAMIL AHMAD, Son of Md. Khalid Ahmad Resident of Paschim Tola,
Mojahidpur, P.S. - Mojahidpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Mojahidpur P.S. Case No. 182 of 2021, registered for the

offences punishable under Sections 399, 402, 413, 420,

467, 472 and 414 of I.P.C. and Sections 25(1-B), 25(1-

AA)a, 26(i)(ii) and 35 of the Arms Act.

As per allegation, on a secret information that five

persons were coming in a Honda Car, two of them have

impersonated themselves as Police Officer, the police party

reached Kali Mandir in Gurhatta Chowk and searched the

said Honda City car, wherefrom four persons were arrested,



whereas one managed to flee away. The police also seized the car and some incriminating articles were also recovered from them.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further points out that the petitioner was arrested only on suspicion and the main recovery was from the possession of other co-accused, namely, Md. Jawed Iqbal @ Rinku. He further submits that two other co-accused persons, namely, Md. Jawed Iqbal alias Rinku and Md. Shahnawaj have already been granted bail by a Bench of this Court vide order dated 01.04.2022 and 09.05.2022, passed in Cr. Misc. No. 65862 of 2021 and Cr. Misc. No. 67001 of 2021, respectively.

The petitioner is in custody since 14.07.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.



However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur in connection with Mojahidpur P.S. Case No. 182 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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