

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.15028 of 2022**

Arising Out of PS. Case No.-295 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

SHAMSHER ALI S/o Kyamuddin Miya R/o Village- Chakiya, P.S.- Siwan  
Muffasil (Mahadeva O.P.), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR  
ORAL ORDER**

2      14-07-2022                      Heard Mr. Ajay Kumar Pandey, learned counsel for  
  
the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Siwan  
Muffasil, P.S. Case No. 295 of 2021, registered for the  
offences punishable under Section 392 of the I.P.C.

As per allegation, petitioner and his associates  
forcibly stopped the motorcycle of the informant and took  
his mobile and a cash of Rs. 1200/-.

The learned counsel for the petitioner submits that  
the petitioner is innocent and has falsely been implicated in  
this case. He further submits that the case has been  
registerd against unknown persons. However, he has been



arrested only on suspicion and nothing has been recovered from his conscious possession. He further submits that no TIP has been conducted as yet.

The petitioner is in custody since 21.08.2021

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 been made accused in (i) Siwan Muffasil P.S. Case No 353 of 2021 (ii) Siwan Muffasil P.S. Case No. 321 of 2021 (iii) Siwan Muffasil P.S. Case No. 331 of 2021 (iv) Siwan Mahadev (O.P.) P.S. Case No. 497 of 2020 (v) Siwan Mahadeva (O.P.) P.S. Case No. 381 of 2021 (vi) Siwan Town P.S Case No. 337 of 2021 (vii) Raghunathpur P.S Case No. 123 of 2021.

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. Siwan in connection with Siwan Muffasil P.S. Case No. 295 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 criminal antecedent other than the disclosed one, 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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