

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16344 of 2022**

Arising Out of PS. Case No.-356 Year-2021 Thana- UCHKAGAON District- Gopalganj

JAHID HUSSAIN Son of Mussaraf Hussain Resident of Village -
Mirsurahiya, P.S.- Barhariya, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 01-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Uchakagaon P.S. Case No. 356 of 2021 for the offences
under Section 394 of the Indian Penal Code.

The allegation in the FIR against the unknown
persons is that three accused persons removed the key of the
informant's bike and thereafter opened fire. However, he saved
himself and ran away from the place of occurrence whereafter
the accused persons escaped with his motorcycle. Accordingly,
the FIR was lodged.

Learned counsel for the petitioner submits that only



because he has criminal antecedent, he has been implicated in this case although there has not been any recovery shown to him and the police in a routine manner has submitted charge sheet against him and others.

Taking into account the aforesaid facts as also that he is in custody since 18.01.2022 (as stated in paragraph-12 of the bail application) and charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj in connection with Uchakagaon P.S. Case No. 356 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police



station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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