

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32467 of 2021

Arising Out of PS. Case No.-463 Year-1994 Thana- SAHARSA SADAR District- Saharsa

MD. MAZID S/O LATE MD. YUKUB ALI RESIDENT OF VILLAGE
KASHIMPUR, PS NAUHATTA, DISTRICT-SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Saharsa Sadar (Bangaon) P.S. Case No. 463 of 1994 registered for the offence under Sections 364, 394 and 412 of the Indian Penal Code.

According to the prosecution, four miscreants are said to have snatched the key of Truck of the informant and took out cash of Rs. 500/- from his pocket and thereafter flew away.

The case appears to be of misuse of privilege of bail.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner has been granted bail under Section 167(ii) of the Cr.P.C. vide order



dated 28.11.1994 passed by the learned C.J.M. Saharsa, but due to non-appearance and for want of proper representation on behalf of the petitioner before the court below, the bail bond of the petitioner has been canceled. He further submits that the petitioner has gone out of the station for his livelihood, therefore, he has failed to make his *parvi* in his case before the court below. There is no deliberate or intentional latches on the part of the petitioner. He further submits that the petitioner undertakes that he will not misuse the privilege of bail in future. The petitioner is rotting in judicial custody since 29.09.2020 i.e. more than one year. Hence, the petitioner, who happens to be sole bread earner of his family, seeks sympathetic consideration of this Court for his release on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Saharsa in connection with Sadar P.S. Case No. 463 of 1994 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 step 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.

(Rajesh Kumar Verma, J)

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