

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22572 of 2022

Arising Out of PS. Case No.-356 Year-2019 Thana- CHANPATIA District- West Champaran

Shamshad Ansari @ Shamshad Alam S/o Late Amin Ansari @ Late Amin
Miyani R/o Village- Barhwa Tola, Ward No.10, P.S.- Chanpatiya, District-
West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr.Nagendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Chanpatiya P.S. Case No. 356 of 2019 registered for the
offences under Sections 457, 380 of the Indian Penal Code and
later on added 411 of the Indian Penal Code.

As per the allegation of prosecution when the
informant returned to his house after having performed the last
rites of her aunt, then he found that some ornaments, a cash of
Rs.95,000/-, some clothes, five quintals of wheat and one
mobile phone having been stolen from his house and he
suspected Vinod Sah, his relatives and some other persons who
always played gambling in front of his house to be involved in



the incident of theft committed in his house.

The main submissions advanced by learned counsel for the petitioner are that against the petitioner there is no any legal evidence and mainly on the basis of exculpatory confessional statement of co-accused Sunil Kumar the petitioner has been made accused in this case and after arrest he was not put on TIP and he has been languishing in jail since 28.01.2022 and from his possession any stolen article was not recovered.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The petitioner is not named in the FIR and he has taken the plea that he has been made accused mainly on the basis of confessional statement of co-accused Sunil Kumar and in this regard learned counsel for the petitioner has drawn the attention of this Court to the order of the Court below which goes in support of his submission. Considering these facts as well as petitioner's custody period, in my view a lenient approach can be taken in respect of petitioner's prayer. Let the 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 concerned Court in connection with Chanpatiya P.S. Case No.



356 of 2019, on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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