

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33149 of 2022

Arising Out of PS. Case No.-125 Year-2018 Thana- BARHAT District- Jamui

NASIM KHAN @ JABBAR KHAN @ SAMSHER KHAN Son of Kasim Khan @ Wasim Khan Resident of Village - Shadi Muhalla, P.s.- Barhi, Distt.- Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 395, 412/120(B) of the Indian Penal Code.

The case relates to recovery commission of loot of cash in the Bank and taken away the CCTV and DVR with Router along with the mobile of the informant.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of suspicion. He further submits that the F.I.R has been instituted against the unknown persons and the petitioner has not been named in the F.I.R. but merely on the basis of confessional statement of the co-accused, Ranjit Manjhi,



he has been made accused in this case. He further submits that, in fact, neither anything incriminating has been recovered from the conscious possession of the petitioner nor the petitioner has been put on T.I.P. by the prosecution as yet. Moreover, the co-accused, namely, Ranjit Kumar Manjhi, Pramod Kumar Yadav and Devraj Singh @ Gaurav Kumar Singh @ Amit Kumar Singh, have already been granted bail by a co-ordinate Bench of this Court vide order dated 22.04.2019, 29.04.2019 and 16.07.2019 passed in Cr. Misc. No. 25634 of 2019, Cr. Misc. No. 27796 of 2019 and Cr. Misc. No. 32099 of 2019 respectively. The petitioner is rotting in judicial custody since 12.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

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 Court below where the case is pending in connection with Barhat P.S. Case No. 125 of 2018 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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