

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36171 of 2022**

Arising Out of PS. Case No.-58 Year-2019 Thana- PURUSHOTTAMPUR District- West
Champaran

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MD. SHAHZAD @ SHAHJAD MIYA SON OF RAMTULLAH MIYAN @
RAMTULLAH MIAN RESIDENT OF KHAMIYAH, P.S.- INARWA,
DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Shantanu Kumar,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-09-2022 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 Purshottampur P.S. Case No. 58 of 2019 for the offences
under Sections 399, 402 and 414 of the Indian Penal Code and
Sections 25(1-b)a, 26 and 35 of Arms Act.

As per the prosecution story, the police officer upon
secret information apprehended certain accused persons and
recovered country made pistol. The further allegation is that
other fled towards Nepal, the petitioner being one of them.

Learned counsel for the petitioner submits that he has



been implicated in the matter only due to rivalry with the accused persons for which he has already suffered by being in custody since 11.04.2022 (as stated in paragraph-15 of the bail application). His further submission is that co-accused, Biru Kumar has since been enlarged on bail vide order dated 01.10.2019 passed in Cr. Misc. No. 60608 of 2019 by a co-ordinate Bench of this Court.

Considering the aforesaid fact that he is in custody since 11.04.2022, charge sheet stands submitted and some of the co-accused as stated above has since been granted bail, this Court is inclined to grant him 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 Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Purshottampur P.S. Case No. 58 of 2019, 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) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, 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)

Jagdish/Neha-

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