

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40378 of 2022

Arising Out of PS. Case No.-662 Year-2020 Thana- PATRAKARNAGAR District- Patna

Md. Shahjad @ Chhotu, S/O Md. Jaffar, Resident of Ramna Road, Sapna Apartment, Flat No.4-C, P.S.- Pirbahore, District- Patna- 800004, A/P B.M Das Road, Kamla Hasan Ke Salimar Girls Hostel, 2nd Floor, P.S.- Pirbahore, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 17-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rajesh Mohan, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Patrakar Nagar P.S. Case No. 662 of 2020 registered for the offences punishable under Sections 356 and 379 of the Indian Penal Code, however, cognizance has been taken under Section 392 of the Indian Penal Code.

As per prosecution case, it is alleged that on 17.10.2020, at 8.00 AM, while the informant was standing near New Era Public School, in the meantime, two persons riding on a motorcycle came and after snatching her golden chain fled



away.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted against unknown persons, however, during the course of investigation co-accused Md. Chand was apprehended by the police and on his confessional statement made before the police, the name of the petitioner has been implicated in this case and thereafter he remanded in the present case on 05.12.2020 and since then he is in custody. He further submits that the person, on whose confession, the name of the petitioner has been implicated, has already been allowed bail by a learned coordinate Bench of this Court in Cr. Misc. No. 9914 of 2022 vide order dated 05.07.2022, as contained in Annexure-3 to this application. He lastly submits that neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered from his possession and so far the criminal antecedent of the petitioner is concerned, in fact, he has been remanded in all the cases.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner has transpired during the course of investigation.



Regard being had to the submissions made on behalf of the parties and considering the fact that the person, on whose confession the name of the petitioner has transpired, has already been allowed bail by a learned coordinate Bench of this Court and the petitioner is in custody since 05.12.2020, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-VIII-cum-A.C.J.M., Patna in connection with Patrakar Nagar P.S. Case No. 662 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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