

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53845 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- MANJHAGARH District- Gopalganj

Jawed Alam Son of Kaimul Alam @ Kaimul Sah Resident of Village-
Dewpur Sheikh, Purdil Tola, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 392 of the Indian Penal Code.

According to prosecution case, the informant who is the employee as a courier delivery boy in Blue Dart Company, when he reached at NH 28 in front of Tata Motors Company showroom. In the meanwhile, two miscreants ridden on bike, took over him and stopped his bike, thereafter one miscreant closed his gun near his waist and one began to assault him.



Thereafter, they took away the informant's mobile, purse, driving license, ATM card and three thousand cash along with his courier bag etc. and fled away by firing gun.

Learned counsel for the petitioner submits that petitioner is innocent and he is not named in the F.I.R. and he has falsely been implicated in the present case only on the basis of disclosure made by the Spy. He further submits that nothing is recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. The petitioner is in custody since 29.01.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Manjhagarh P.S. Case No. 115 of 2020, subject to 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 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. 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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