

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51308 of 2021**

Arising Out of PS. Case No.-375 Year-2021 Thana- AHİYAPUR District- Muzaffarpur

Md Shahnawaz @ Md Sahanawaz Son Of Md Aslam Resident Of Village -
Chak Habibullah, PS- Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical Court.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 375 of 2021 registered for the offences under Sections 379/411/34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case in brief is that on secret information that one truck was stolen by unknown thief the informant posted as Officer-in-Charge of Ahiyapur P.S. reached at Bakhari Chowk and arrested two persons



including the petitioner and from the possession of co-accused Indrajeet Sahani one loaded country-made katta, one Samsung mobile and truck No.TS-05UB-5349 and from possession of the petitioner only one Nokia mobile phone were recovered.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in this case. He further submits that it appears from the FIR and seizure-list that only one Nokia mobile phone has been recovered from possession of the petitioner. The arms, as alleged in the FIR, has been recovered from co-accused Indrajeet Sahani. The petitioner is in custody since 14.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 375 of 2021 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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