

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57725 of 2021

Arising Out of PS. Case No.-51 Year-2018 Thana- KHUDAGANJ District- Nalanda

Shahbaj @ Shahbaj Alam S/O Md. Asad Alam Resident of Village -
Gajragadh, P.S. - Barachatti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Jubair Ansari, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

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 connection with Khudaganj
P.S. Case No. 51 of 2018 registered for the offences punishable
under Sections 379, 34 of Indian Penal Code and later on added
section 392, 412, 413 of Indian Penal Code.

According to prosecution case, the informant who is
the driver and owner of pickup proceeded from Rajgir to
Islampur after loading detergent of Record Company. After
Kiwali more before the petrol pump, the informant felt natural



call, he parked his vehicle in front of the road and went to the toilet. He saw that two persons were coming on a motorcycle and the light of the motorcycle was switched off. He suspected that these persons came here to commit theft of his goods. In the meanwhile, he saw his vehicle going behind the motorcycle and the head light of the vehicle was switched off.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and nothing has been recovered from conscious possession of the petitioner. He further submits that similarly situated, co-accused, namely, Vivek Kumar and Sonu Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 22.11.2021 passed in Cr. Misc. No. 43642 of 2021 and order dated 06.01.2022 passed in Cr. Misc. No. 52576 of 2021. The petitioner is in custody since 07.08.2021.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that petitioner carries two criminal antecedents.

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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Khudaganj P.S. Case No. 51 of 2018, 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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