

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48341 of 2022**

Arising Out of PS. Case No.-128 Year-2022 Thana- MADHAURAH District- Saran

Meraj Ansari S/O Mokhtar Ansari Resident of village- Sipah Khas, P.S.-
Manjhagarh District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
from today.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Madhowrah P.S. Case No. 128 of 2022
registered for the offences punishable under Sections 499, 402,
414 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the
Arms Act. He is in custody since 28.02.2022 The petitioner has
got three criminal antecedents.

Learned counsel for the petitioner submits that as per
the prosecution story, the police personnel on secret information
reached the house of co-accused Tinku Sharma where 5-6



persons after seeing the police party started fleeing away but 5 of them got apprehended and on search of this petitioner, one country-made katta and three mobile phones were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that there is no allegation of commission of any overt act against the petitioner. It is submitted that the petitioner is in custody in connection with this case since 28.02.2022.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that from the possession of the petitioner one country-made katta, three mobiles are said to have been recovered but there is no allegation of commission of any overt act against the petitioner, he has already remained in custody since 28.02.2022, investigation against him is complete and at this stage, there is no submission on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XI, Saran at Chapra in connection with Madhowrah P.S. Case No. 128 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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