

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54306 of 2022**

Arising Out of PS. Case No.-132 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Naushad Ansari @ Badshah S/o Nizamudin Ansari R/o village- Badhariya,
P.S.- Chand, District- Kaimur at Bhabua

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

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

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

2 16-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks.

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 Durgawati P.S. Case No. 132 of 2022 registered for the offences under Section 392 of the Indian Penal Code. He is in custody since 27.05.2022 having two criminal antecedents in which he is said to be on bail as stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged that he is a driver of the truck loaded with cement from Himalaya Cement Factory situated at Chaon Road to Chapra,



while he was parked the truck in front of Sri Narayan Logistic Transporter and went on sleeping, he heard the sound of broken the glass and found that one person entered into the cabin and demanded money and mobile. The informant further alleged that due to fear he gave Rs. 5000/- from the pock and said that mobile is missing. Thereafter, all the three persons fled away with their motorcycle.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He is not named in the First Information Report and his name has transpired only on the basis of suspicion.

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

Having regard to the facts and circumstances of the case, wherein the petitioner is not named in the First Information Report but he is said to have been involved in this case due to local rivalry and has been remanded on the basis of the self confessional statement, he has not been put on Test Identification Parade and is in custody since 27.05.2022, investigation against him is complete, he has two criminal antecedents in which he is said to be on bail and his presence may be secured in course of trial, this Court directs release of



the petitioner above-named 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 Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Durgawati P.S. Case No. 132 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 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.

The application stands allowed.

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

(Rajeev Ranjan Prasad, J)

Rajeev/-

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