

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71168 of 2021

Arising Out of PS. Case No.-613 Year-2018 Thana- PHULWARISHARIF District- Patna

Md. Nizammuddin @ Md. Nazimmuddin @ Sunny S/o Md. Aliuddin @ Md.
Alim Uddin R/o Jamaluddin Chak, P.S.- Khagaul, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with S.
Tr. No. 07/2021 arising out of Phulwary P.S. Case No. 613 of
2018 lodged under Sections 399, 402, 414 of the I.P.C. read with
Sections 25(1-b)a, 26, 35 of the Arms Act.

As per the prosecution case, the F.I.R. has been
lodged against 15 accused persons in which petitioner's name
has figured at serial No.15 and allegation of preparation of
dacoity is against the accused person along with 6 accused
persons who were apprehended from the place of occurrence.

Learned counsel for the petitioner submits that

petitioner has not been apprehended from the place of occurrence. His name has figured by confessional statement of the apprehended accused persons. Nothing incriminating was recovered from the possession of the petitioner nor he was put on T.I.P. Learned counsel submits that petitioner is in custody since 18.08.2018. There is 10 criminal cases pending against him in which he is on bail in most of the cases and in few cases, he is persuading for bail. Learned counsel submits that the present case is the first case in which his name has come and only thereafter, he was remanded in 10 more cases whose details are present in Para-3 of bail petition. Learned counsel submits that charge sheet has already filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that there is criminal antecedent of the petitioner.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-XI, Patna in connection with S. Tr. No. 07/2021 arising out of Phulwary P.S. Case No. 613 of 2018, subject to the conditions

as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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