

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.946 of 2022**

Arising Out of PS. Case No.-38 Year-2019 Thana- BIHAR District- Nalanda

MD SERAJ @ MD SIRAJ Son of Md Ismil Khan Resident of Village-
Chainpura, P.S.- Bihar, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

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

2 20-05-2022 Heard learned counsel for the petitioner and Ms.
Rina Sinha, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bihar P.S. Case No. 38 of 2019 registered for the offences punishable under Section 395 and 397 of the Indian Penal Code. He is in custody since 11.09.2019 having eight criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 18.01.2019 at 11:00 in the night when he along with his family were sleeping, 6-7 persons entered in his room from the roof side and on the point of pistol asked him about cash and when he refused to say so all the accused persons



assaulted the informant, thereafter broken the lock of almirah and taken away Rs. 17 Lakhs and ornament as also DBL gun with 10-12 cartridges.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Petitioner is not named in the F.I.R. and nothing incriminating article has been recovered from his possession.

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

Having regard to the submission that earlier while rejecting the prayer for bail of the petitioner on 22.02.2020 the learned Predecessor Bench of this Court had observed that the petitioner may renew his prayer for bail after framing of charge and at this stage the charge has been framed on 6th October, 2021 but no witness has been examined, the petitioner has remained in custody since 11.09.2019 in connection with this case, still the trial is not likely to be concluded in near future, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. - 1, Nalanda at Bihar Sharif in connection with



Bihar P.S. Case No. 38 of 2019, S. Tr. No. 169/2020, 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.

And by way of further condition, this court directs that henceforth till conclusion of trial in the present case, after his release from jail petitioner shall mark his attendance once in every two months before the S.H.O. of Bihar Police Station in the District of Nalanda at Biharsharif and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the said Police Station in connection with any employment etc., then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Bihar Police Station to the learned court below and steps shall be taken for cancellation



of the bail of the petitioner.

Let a copy of this order be sent to the Superintendent of Police, Nalanda at Biharsharif for necessary instruction.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

