

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2513 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Md. Ajad, Son of Md. Anwar, R/v- Kaparpura, P.S.- Kanti, District-
Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s :	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Motipur P.S. Case No. 300 of 2022 registered for the offences punishable under Sections 399, 400, 401, 402 of the Indian Penal Code and Sections 25(1-b)a, 26 of the Arms Act.

In course of vehicle checking, the police intercepted a Marshal Jeep wherein several persons, including the petitioner, were found seated; and apprehended by them. In course of search, one knife and one live cartridge was recovered from the possession of the petitioner. Further allegation has been made that other incriminating material has been recovered from the possession of other co-accused persons.



Submission has been made on behalf of the petitioner that in fact nothing has been recovered from the person or possession of the petitioner. However, on account of some altercation took place between the police personnel and the accused persons in course of vehicle checking, the present F.I.R. has been instituted. He further submits that after institution of this F.I.R., the petitioner has been remanded in three other criminal cases. Further submission has been made that other co-accused person, who was also arrested along with the petitioner, has already been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 1427 of 2023 vide order dated 03.04.2023. The petitioner is in custody since 20.08.2022 and now the charge-sheet has already been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of recovery and the fact that other co-accused person has been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Muzaffarpur (West) in connection with Motipur P.S. Case No. 300 of 2022,



subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

