

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7499 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- SINGHESHWAR District- Madhepura

MD. SAMSDAD S/o Md. Safruddin R/o village- Barbanna, Ward no. 8, P.S.-
Singheshwar, Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Singheshwar P.S. Case No. 153 of 2022 dated 28.06.2022
registered for the offence under Sections 394 of the Indian
Penal Code and Section 25(1-b)a, 27 and 35 of the Arms Act.

The petitioner along with his companion are
alleged to have looted a cash of Rs. 6000/- from the
informant on the point of gun.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that it appears from the F.I.R. that Rs. 6000/-



is alleged to have been looted from the informant but in fact, nothing has been recovered from the conscious possession of the petitioner. He further submits that though the police has prepared seizure list showing recovery of one country made katta along with a live cartridge from the possession of the petitioner, but as a matter of fact, no arms have been recovered from the possession of the petitioner rather the police has planted the recovery. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Dilip Chauhan has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.01.2023 passed in Cr. Misc. No. 54207 of 2022. The petitioner is rotting in judicial custody since 05.07.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No. 153 of 2022 with the



following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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