

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8886 of 2023

Arising Out of PS. Case No.-790 Year-2022 Thana- MADHEPURA District- Madhepura

Sadre Alam @ Mohammad Sadre Alam Son Of Md. Yunush R/O Vill.-
Jiwachhpur, Ward No. 5, P.S.- Gamhariya, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
17.10.2022 in connection with Madhepura (Ghailarh) P.S. Case
No. 790 of 2022, F.I.R. dated 18.08.2022 for the offences
punishable under Sections 392, 395 and 397 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, 6 miscreants entered
into the Customer Service Centre which was run by the
informant and made two shot fire upon him out of which one
bullet hit in the counter. It is further alleged that the miscreants



took out cash of Rs. 20-22 thousand from counter and also looted laptop, mobile phone and fled away.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the alleged occurrence has taken place on 16.08.2022 but the present F.I.R was instituted on 18.08.2022 i.e. after delay of two days without giving any explanation of the said delay. He further submits that as per the F.I.R., the informant claims that out of 6 miscreants he identified one of them and the same is the petitioner and he fired upon the informant. He further submits that earlier the informant has already filed Madhepura (Ghailarh) P.S. Case No. 371 of 2021 against the co-accused persons, namely, Manish Kumar and Ranjeet Kumar and one unknown person and the informant suspects that these two persons are behind the present occurrence. He further submits that nothing has been recovered from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Ghailarh) P.S. Case No. 790 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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