

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10008 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- SUGAULI District- East Champaran

Rais Alam @ Raige Alam S/O Sheikh Jowad Resident of Village- Panjarwa,
P.S.- Sugauli, District- East Champaran. Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-05-2023

Heard the parties.

The petitioner is in custody since 26.09.2022 in connection with Sagauli P.S. Case No. 428 of 2022 for the offence punishable under Sections 393 and 34 of the I.P.C. and Sections 25(1-b) a, 26, 27 and 35 of the Arms Act lodged on 25.9.2022 by the informant, Shahabuddin.

The prosecution story, in brief, is that the informant namely Shahabuddin in his written report addressed to the S.H.O. Sugauli Police Station alleged that on 25.09.2022, he came from Ramgarhwa market to Devdattawa by Motorcycle. As he got down from motorcycle and was talking on his mobile, the accused persons who were on the motorcycle stopped and after abusing him demanded mobile on the point of pistol.

One of the accused fired at him as a result, both of them fell into the canal water. The informant raised 'hulla', one accused person fled away but the petitioner was caught. He



disclosed his name as Rais Alam and also disclosed the name of co-accused as Arshad Alam.

Villagers thrashed the petitioner and upon search, one loaded pistol and two live cartridges and a lighter was/were recovered from his pocket. The motorcycle of accused Rais Alam without number was seized from the place of occurrence and the Seizure list was prepared. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that for the said alleged occurrence, he has already suffered by being in custody since 26.09.2022 (as stated in para 12 of the petition) although he do not have criminal antecedent.

Learned APP opposes the prayer for bail stating that the allegation of snatching mobile is there against the petitioner.

Considering the fact that he is in custody since 26.09.2022, do not have any criminal antecedent, F.I.R. lodged, ultimately he will have to face the trial, this Court is inclined to extend him the privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each, in connection with Sagauli P.S. Case No. 428



of 2022 to the satisfaction of learned Chief Judicial Magistrate,
East Champaran, Motihari, subject to following conditions:

(i) one of the bailor should be the family member of
the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every fortnight for next six months to mark
attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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