

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12237 of 2023

Arising Out of PS. Case No.-692 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

MD. PARWEZ AHMAD @ MD. PRAVEJ Son of Md. Ushman Resident of
Village- Dadri, P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 06.09.2022, in connection with Ahiyapur P.S. Case No. 692 of 2020, F.I.R. dated 25.08.2020 registered for the offences punishable under Section 395 of the Indian Penal Code.

3. The prosecution case, in brief, is that six persons riding on three motorcycles over take the informant and looted away the money on the point of pistol.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case on the basis of disclosure made by co-accused person and nothing has been recovered from the conscious possession or the house of the petitioner. He further submits



that except the disclosure made by co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Amarjeet Sahni @ Anarjeet Sahni has been granted bail by this Court vide order dated 24.11.2021 passed in Cr. Misc. No. 30072 of 2021, another co-accused namely Akhilesh Paswan @ Akhilesh Kumar Paswan has been granted bail by this Court vide order dated 26.11.2021 passed in Cr. Misc. No. 30844 of 2021, another co-accused namely Pooja Devi has been granted bail by a Coordinate Bench of this Court vide order dated 11.03.2022 passed in Cr. Misc. No. 40280 of 2021, another co-accused namely Prabhakar Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 28.11.2022 passed in Cr. Misc. No. 3282 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.09.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur in connection with Ahiyapur P.S. Case No. 692 of 2020, 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 witness, 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 antecedents, 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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