

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19198 of 2023**

Arising Out of PS. Case No.-418 Year-2020 Thana- RAJAON District- Banka

MD. JAMAL @ SHERU @ MD. SHERU Son of Seikh Hajrat @ Md. Ali
R/v- Sukhasan, P.S.- Barari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with S.T. No.
400 of 2022 arising out of Rajoun P.S. Case No. 418 of 2020
registered for the offence under Sections 395 and 412 of the
Indian Penal Code.

The case relates to commission of loot of truck loaded
with horlicks and cash of Rs. 13000/- from the informant.

Earlier the prayer for bail of this petitioner has been
rejected vide order dated 13.07.2022 passed in Cr. Misc. No.
56357 of 2021.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that it appears from the F.I.R.,



recovery has been made from the possession of the petitioner. He further submits that the petitioner is a rickshaw puller and he has no concern at all with the alleged occurrence. In fact, nothing has been recovered from the conscious possession of the petitioner. The petitioner is rotting in judicial custody since 18.10.2020.

A report with regard to present stage of the trial has been called for by this Court vide order dated 29.03.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that charge has been framed on 10.11.2022 and no witness has examined as yet.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 18.10.2020 i.e more than two year.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case and period of custody, 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 Additional District and Sessions Judge-IV,



Banka in connection with S.T. No. 400 of 2022 arising out of Rajoun P.S. Case No. 418 of 2020 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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