

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20310 of 2023

Arising Out of PS. Case No.-563 Year-2022 Thana- BAHADURPUR District- Darbhanga

1. Kalamuddin Sah @ Kalimuddin Sah Son Of Late Md. Siraj Sah R/O Vill.- Bajitpur, P.S.- Manigachhi, Distt.- Darbhanga
2. Sher Ali Sah Son Of Yusuf Sah R/O Vill.- Kothiya, P.S.- Simri, Distt.- Darbhanga
3. Md. Ekbal Sah @ Akbal Sah Son Of Late Majid Sah R/O Vill.- Birsai, P.S.- Sakri, Distt.- Madhubani
4. Md. Afroz Sah Son Of Makbool Sah R/O Vill.- Makrampur, P.S.- Sakri, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
07.11.2022 in connection with Bahadurpur P.S. Case No. 563 of
2022, F.I.R. dated 06.11.2022 for the offences punishable under
Sections 399, 402, 412 of the Indian Penal Code and Section
25(1-b)A, 26, 35 of the Arms Act.

Recovery is of Rs.1,00,000/- cash from the possession
of petitioner no.1, two Gulel from the possession of petitioner
no.2 and Shawal, Pliers and slide-wrench were recovered from



the possession of petitioner no.4.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that bare perusal of F.I.R. as well as seizure list that no incriminating article have been recovered from the possession of the petitioners only Rs.1,00,000/- cash from the possession of petitioner no.1, two Gulel from the possession of petitioner no.2, nothing was recovered from the possession of petitioner no.3 and Shawal, Pilash and slide-wrench were recovered from the possession of petitioner no.4. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that similarly situated, co-accused persons namely, Md. Zunaid Sah @ Md. Junaid Shah, Lailey Sah, Md. Chhote Sah @ Md. Chhote, Md. Imtiyaz Ali Sah @ Imtiyaz Ali, Md. Irshad Ali Sah, Md. Ibrahim Sah @ Md. Abraham Sah, Md. Bhikhari Sah @ Hikari Sah, Md. Akbar Sah and Md. Kadir Sah have been granted bail by a co-ordinate Bench of this Court vide order dated 26.04.2023 passed in Cr. Misc. No. 12210 of 2023 and Cr. Misc. No. 14085 of 2023. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in



judicial custody since 07.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries five criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Darbhanga in connection with Bahadurpur P.S. Case No. 563 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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