

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34166 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

Md Nazi @MD Naji Son Of Md Subel Akhatar Resident Of Village
Adalatganj, Amarnath Road, Ps- Kotwali, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioner is in custody since 4.1.2023 in connection with Ramkrishna Nagar P.S. Case No. 04 of 2023 for the offence punishable under Sections 379, 411, 34 of the I.P.C. lodged on 3.1.2023 by the informant Sahansa Kumar.

The prosecution story, in brief, is that the informant gave a written application to the S.H.O., Ramkrishna Nagar P.S. stating that on the day of occurrence, he was doing job of guard at Sai Baba Pharma Jakariyapur and a tempo no. BR1AL8910 was parked in front of Baba Pharm. In the meantime, two boys were trying to commit theft of said tempo. The police caught them with stolen tempo and arrested.

Learned counsel for the petitioner submits that he has already suffered for the alleged act by being in custody since



4.1.2023 (as stated in para-22 of the bail petition).

Further submission is that similar placed co-accused Ujjawal Kumar has since been released on bail by a coordinate bench of this Court in Cr. Misc. No. 27477 of 2023 on 21.6.2023.

Let the same be kept on record.

Learned APP opposes the prayer stating that he was caught at the spot.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that the similar placed co-accused has since been released on bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Patna, in connection with Ramkrishna Nagar P.S. Case No. 04 of 2023 subject to the 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 his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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