

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33979 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- KASIMBAZAR District- Munger

MD DANISH son of Md. Naziruddin Resident of Mohalla- Topkhana Bazar,
PS- Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kasim
Bazar P.S. Case No. 140 of 2022 registered for the offences
punishable under Sections 457 and 380 of the Indian Penal
Code.

As per prosecution case, some unknown
miscreants, by breaking the lock of informant's house, have
stolen one Gas cylinder, inverter, battery, old table fan, bronze
utensils and other utensils, some bank related papers, stabilizer
and ornaments etc.

Learned counsel for the petitioner submits that
petitioner has been remanded in the present case on 30.08.2022
and since then he is in custody. Petitioner bears three criminal



antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. His name has been transpired in the present case on the basis of confessional statement of co-accused Md. Faiz. Except confessional statement of co-accused Md. Faiz, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the present petitioner. Learned counsel further submits that similarly situated co-accused Md. Mustakim has already been granted bail vide Cr. Misc. No. 13256 of 2023 by a co-ordinate bench of this court and the petitioner deserves same treatment.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner bears three criminal antecedents.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the taking into consideration the material available on record, co-



accused has already been granted bail and on the principle of parity 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 J.M. 1st Class, Munger in connection with Kasim Bazar P.S. Case No. 140 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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