

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35733 of 2023

Arising Out of PS. Case No.-182 Year-2022 Thana- PIYAR District- Muzaffarpur

Md. Chand Ansari @ Chand Ansari @ Chand Babu Son of Md. Khurshid Alam, Resident of Ward No.18 Kadir Chak, P.S. - Khanpur, Distt .- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2023 Let the defect(s), if any, be removed within two weeks from today.

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

3. The petitioner seeks regular bail in connection with Piya P.S. Case No. 182 of 2022 dated 22.08.2022, lodged under Sections 393, 398 & 307 of the Indian Penal Code read with Section 27 of the Arms Act.

4. As per prosecution case, the allegation has been made against three unknown accused persons that they have attempted to snatch Rs.3 lacs from the informant and upon oppose they have fired by pistol.

5. Learned counsel for the petitioner submits that the

petitioner is not named in the F.I.R., nothing has been recovered from his possession nor he was put on T.I.P. He further submits that name of petitioner has figured in this case by virtue of confessional statement of the co-accused to whom Co-ordinate Bench of this Hon'ble Court has granted bail vide order dated 10.04.2023 passed in Cr. Misc. No.72951 of 2022. He also submits that petitioner is in custody since 24.08.2022 and there are two criminal antecedents pending against the petitioner and in both the cases he is on bail..

6. Learned counsel for the State opposes the prayer for bail and submits that petitioner has two criminal antecedents.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Muzaffarpur in connection with Piya P.S. Case No. 182 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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