

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40506 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- JAGDISHPUR District- Bhojpur

MD. AMBAR @ RAJA Son of Md. Aslam Resident of village-Najirganj Ara,
P.S.-Ara Town, District-Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard the parties.

The petitioner is in custody in connection with Jagdishpur P.S. Case No.142 of 2023 for the offence under Sections 399, 402 and 412 of the Indian Penal Code and Section 25(1-b) A, 26 and 35 of the Arms Act lodged on 15.04.2023 by the informant, Vilas Paswan.

As per the prosecution story, a team was constituted by the Dy. S.P. and thereafter, the Police raided a place and apprehended four persons, namely, Guddu Kumar, Nitish Kumar, Bittu Kumar and Amrit Kumar and recovered/seized fire arm, mobile phones and a motorcycle. They gave the name of the person who escaped, as this petitioner.

The allegation is that they were indulged in loot at NH 319. Accordingly, the F.I.R.



Learned counsel for the petitioner submits that recovery/seizure is from the named accused persons and on their confession, he has been implicated in quick succession which reflects in paragraph 3.

Learned APP opposes the prayer stating that the accused persons were to commit loot at NH 319 and the person who escaped was the present petitioner.

Considering the fact that his name has come in the confessional statement, there is no recovery from his part, is in custody since 16.04.2023, 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 A.C.J.M. 1st, Bhojpur at Ara, in connection with Jagdishpur P.S. Case No. 142 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/her 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 month for one year 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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