

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45350 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- BIRAUL District- Darbhanga

MD. ASLAM AZAD @ ASLAM AZAD Son of Late Abdul Rauf Ansari @
Abdul Rauf Resident of village - Udaypur, P.S. - Rosera, Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Biraul P.S.
Case No. 167 of 2022 registered for the offence under Sections
413, 414 and 212 of the Indian Penal Code.

According to the prosecution case, a raid was
conducted by the police in the house of the petitioner and on
search Rs. 1,00000/- cash was recovered from the wife of the
petitioner, who disclosed that the recovered amount has been
handed over to her by the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that on bare perusal of the F.I.R., it
appears that there is no accusation of commission of any offence



rather it is said that in a raid conducted by the police in the house of petitioner, Rs. 100000/- has been recovered from the possession of wife of the petitioner. He further submits that the recovered cash was not the looted amount. Moreover, co-accused, Firdaus @ Afrozi @ Firdauls Fatima from whom cash in question has been recovered has already been granted bail by this Court vide order dated 10.02.2023 passed in Cr. Misc. No. 58256 of 2022 and co-accused, Ganga Ram Mukhiya @ Ganga Mukhiya has also been granted bail by a co-ordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 5697 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.07.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Benipur, Darbhanga in connection with S.T. N. 415 of 2022 arising out of Biraul P.S. Case No. 167 of 2022 with the following conditions:-



(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

brajesh/-

U		T	
---	--	---	--

