

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51579 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- NAGAR District- Vaishali

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Md. Shahid Son of Mohammad Firoj @ Md. Firoj Resident of Village-Gaushi
Khan, O.P.-Fakuli, P.S.-Kurhani, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
25.03.2023, in connection with Hajipur Town P.S. Case No. 147
of 2023, F.I.R. dated 26.02.2023 registered for the offences
punishable under Sections 328, 356 and 379 of the Indian Penal
Code.

3. As per allegation in the F.I.R. some unknown
miscreants offered intoxicated cold drink to the informant and
he became unconscious and after getting sense he found himself
at Town Police Station. Thereafter, the present FIR was lodged.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely



implicated in the present case on the basis of the confessional statement of co-accused person namely Md. Zahid who happens to be the own brother of the petitioner and on the basis of confessional statement of co-accused person, some looted articles i.e. Adhar Card of Ashok Kumar Singh, Smart Redmi Dark grey colour mobile etc. were recovered from the house of the petitioner and the petitioner and his mother have also been made accused in the present case. He further submits that he has not committed anything wrong and he has only implicated in the present case on the basis of the statement of his brother and some articles have been recovered from the house of the petitioner. He further submits that co-accused namely Shahani Khatoon who happens to be mother of the petitioner has been granted bail by a Coordinate bench of this Court vide order dated 07.07.2023 passed in Cr. Misc. No. 38763 of 2023, another co-accused person namely Anita Devi has been granted bail by a Coordinate Bench of this Court vide order dated 28.08.2023 passed in Cr. Misc. No. 38365 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.03.2023.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 147 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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)

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