

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56346 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- PURAINI District- Madhepura

Md. Gulfan Son Of Wahav Ansari Resident Of Village Rampur Ward No.7,
Police Station - Bihariganj, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Learned counsel for the petitioner submits that due to inadvertence, the date of custody of the petitioner has wrongly been typed as 16.05.2023 instead of 15.04.2023 as mentioned in the order-sheet. Therefore, he is directed to correct the same in course of the day.

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

3. The petitioner seeks regular bail in connection with Puraini P.S. Case No. 234 of 2022 dated 30.11.2022, lodged under Sections 307, 34 of the I.P.C. read with Section 27 of the Arms Act.

4. As per the prosecution case, the F.I.R. has been lodged against four unknown accused persons.

5. Learned counsel for the petitioner submits that the

name of the petitioner has figured in this case by virtue of the confessional statement of the co-accused. Counsel submits that nothing incriminating has been recovered from the possession of the petitioner nor he was put on T.I.P. Counsel submits that the petitioner is in custody since 15.04.2023 having clean antecedent.

6. Learned counsel for the petitioner further submits that there are five criminal cases pending against the petitioner in which he is on bail in some cases and in some cases he is persuading for bail. Counsel further submits that falsity of the case transpires that due to the reason that the occurrence is of 24.11.2022 and the F.I.R. has been lodged on 30.11.2022 *i.e.* after lapse of about 6 days.

7. Learned counsel for the State opposes the prayer for bail and submits that at the time of granting bail, criminal antecedent of the petitioner may be taken into consideration.

8. 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 Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Udakishunganj, Mdhepura in connection with Puraini P.S. Case No. 234 of 2022, 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 *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

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

(Dr. Anshuman, J.)

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