

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57379 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- BIRAUL District- Darbhanga

MD. ASIF @ MD. ASHIF @ MD. ASIF ANSARI Son of Md. Habib Ansari
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. N. A. Shamsi, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2023 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. 165 of 2022/ Sessions Trial No. 363 of 2022
registered for the offence under Sections 399, 402 and 400
of the Indian Penal Code along with Sections 25(1-a)a, 26
and 35 of the Arms Act.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that it appears from the F.I.R. and the
seizure list that nothing has been recovered from the
conscious possession of the petitioner rather a mobile phone



has been recovered from the possession of the petitioner. He further submits that the alleged arms have recovered from the the possession of the other accused persons. Moreover, co-accused, Ganga Ram Mukhiya, Md. Rahmat @ Sonu Raja @ Raja @ Sumo and Aslam Azad @ Md. Aslam Ansari @ Md. Aslam Azad have already been granted bail by this Court and a co-ordinate Bench of this Court vide order dated 03.4.2023, 03.04.2023 and 27.03.2023 passed in Cr. Misc. No. 64745 of 2022, Cr. Misc. No. 67924 of 2022 and Cr. Misc. No. 73057 of 2022 respectively. The petitioner is rotting in judicial custody since 16.05.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case 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 Court below where the case is pending in connection with Biraul Case No. 165 of 2022 (Session Trial No. 363 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)

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