

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59853 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- SITAMARHI District- Sitamarhi

Ahmad Raja @ Ahamad Reja Son of Mahboob Raja @ Mahbub Reja R/V-
Basantpur, P.S- Dumra, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 356 and 379 of the Indian
Penal Code.

According to prosecution case, the informant was
coming to his shop and in his way, the pillion rider of
motorcycle snatched his mobile phone from his hand and fled
away.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. and



the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused, namely, Keshav Kumar. He further submits that on the basis of the confessional statement of the co-accused person, the house of the petitioner was also searched and one motorcycle has been recovered from the house of the petitioner. He further submits that the seized motorcycle belongs to the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner and only on the basis of confessional statement of the co-accused person, petitioner has falsely been implicated in this case. He further submits that till date no T.I.P has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but he is on bail in the said case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court



below where the case is pending in connection with Sitamarhi
P.S. Case No. 66 of 2022, 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 witnesses, 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 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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