

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61310 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- HARSIDHI District- East Champaran

MD SAHABUDDIN @ MD SHABABUDDIN S/O MD KAMALUDIN R/O
VILLAGE- HARSIDHI, PS. HARSISHI , DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 299 of 2023 registered for the offences punishable under Sections 399, 402, 413 and 414 of the Indian Penal Code read with Sections 25(1-b)a/26/35 of the Arms Act.

3. As per prosecution case, one live cartridge has been recovered from the possession of the petitioner. It is alleged that petitioner and others are said to have been planning to commit Dacoity.

4. Learned counsel for the petitioner submits that petitioner is in custody since 08.05.2023 and bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of



tampering with the prosecution evidence. He further submits that on similar and identical allegation, co-accused Vicky Kumar has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 44836 of 2023 and on the principle of parity, the present petitioner also deserves bail. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. Petitioner has nothing to do with the alleged occurrence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by the Co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 J.M. Ist Class, Sadar at Motihari, East Champaran in connection with Harsidhi P.S. Case No. 299 of



2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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