

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57642 of 2022**

Arising Out of PS. Case No.-84 Year-2022 Thana- PARSAUNI District- Sitamarhi

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WAHID ALI @ CHAMAN Son of Shaukat Ali @ Md. Shaukat Ali Resident  
of village - Dariyapur Ward No.- 2, Belsand, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

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

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      03-02-2023                      Heard the learned counsel for the petitioner and  
  
the learned APP for the State.

The petitioner seeks regular bail in connection  
with Parsauni PS case no. 84 of 2022 instituted for the offences  
punishable under Sections 399, 402 of the Indian Penal Code  
and Sections 25(1-b)a, 26, 35 of the Arms Act.

The allegation is regarding the informant having  
received information that certain miscreants had committed loot,  
whereafter the informant along with his police force had  
reached at the place of occurrence and had apprehended three  
persons including the petitioner herein while some miscreants  
had managed to flee away. As far as the petitioner is concerned,  
one loaded countrymade pistol and one live cartridge was  
recovered.



The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 24.05.2022. The learned counsel for the petitioner has further submitted that only because the petitioner is having a bad antecedent, he has been falsely implicated in the present case, nonetheless, he is ready to abide by such conditions as may be deemed fit and appropriate to be imposed, for the purposes of grant of bail.

*Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, I deem it fit and appropriate to admit the petitioner to the privilege of bail, however, subject to certain conditions on account of his bad criminal antecedent.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Sitamarhi in connection with Parsauni PS



case no. 84 of 2022.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

**(Mohit Kumar Shah, J)**

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