

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62148 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- BIRAUL District- Darbhanga

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AJAY KUMAR @ AJAY RAJ @ ABHIJIT @ ABHIJIT PATNABALA son of
Byas Bhagat R/o Village- Khajuriya P.S- Govindganj Dist- East Champaran
(Motihari).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.N. A. Shamsi, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
13.07.2022 in connection with Biraul P.S.Case No. 167 of
2022, (S.Trial No.415 of 2022) F.I.R. dated 17.05.2022
registered for the offence punishable under Sections 413,414
and 212 of IPC.

3. As per allegation, the police raided the house of
co-accused Sahnawaz Alam @ Sonu. Though he was not
found in his house but a lady, who attempted to flee away,
was apprehended by the police and approximately one lakh
rupee was recovered from her possession. She disclosed her
name as Firdaus @ Afroji and apprised that that her son



Sahnawaz Alam @ Sonu has given that money to her, after committing loot in the branch of Punjab National Bank.

4. Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Md. Rahmat. Further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and the co-accused persons, namely, Firdaus @ Afroji@ Firdaus Fatima, Ganga Ram Mukhiya @ Ganga Mukhiya and Md. Aslam Azad @ Aslam Azad have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 10.02.2023, 29.04.2023 and 31.07.2023 passed in Cr. Misc. Nos.58256 of 2022,5697 of 2023 and 45350 of 2023 respectively and the petitioner has been remanded from Biraul P.S.Case No.189 of 2022 on 13.07.2022 and the petitioner is in custody since 13.07.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one.



6. Considering the aforesaid fact, 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 learned 1st Addl. Sessions Judge, Benipur, Darbhanga in connection with Biraul P.S.Case No. 167 of 2022, (S.Trial No.415 of 2022), with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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