

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64833 of 2022

Arising Out of PS. Case No.-76 Year-2019 Thana- KOCHADHAMAN District- Kishanganj

SHAMSHAD @ LADDU Son of Israrul Haque Resident of Village -
Rangamani, P.S.- Kochadhaman, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
18.05.2022 in connection with S.T. No. 169 of 2019, arising out
of Kochadhaman P.S. Case No. 76 of 2019, F.I.R. dated
21.03.2019 for the offences punishable under Sections 392, 302
of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the brother of the
informant namely Pachanand Karmakar was being shot dead
and on hulla, the informant came to know that the dead body of
deceased was lying in maize field of Md. Salam of Rangamani
village on which the informant and other went there and
identified the dead body of deceased as his brother. It is further
stated that the F.I.R. of the occurrence of robbery with murder is



against unknown.

Learned counsel for the petitioner submits that petitioner is innocent and he 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 during investigation on the basis of confessional statement of co-accused namely, Mehjad Alam @ Mistar Raja @ Mejad Akhtar and the report of the Guptchar. He further submits that except the confessional statement of co-accused, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that similarly situated, co-accused namely, Mehjad Alam @ Mistar Raja @ Mejad Akhtar and Arsad @ Mister Arsad Alam have been granted bail by a co-ordinate Bench of this Court vide orders dated 06.03.2020 and 27.04.2021 passed in Cr. Misc. No. 82395 of 2019 and Cr. Misc. No. 6838 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 18.05.2022.

The learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries thirteen criminal antecedents other than the present one but fairly submits that the petitioner is on bail in all the cases as mentioned in Para-3 of the bail petition.

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 District and Sessions Judge, Kishanganj in connection with S.T. No. 169 of 2019, arising out of Kochadhaman P.S. Case No. 76 of 2019, 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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