

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66622 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- JALE District- Darbhanga

Md. Anwar S/o Md. Saheb Jan @ Mohammad Sahebjan Rain R/v- Katka,
P.S.- Singhwara, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Adv.

For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Heard Mr. Iqbal Asif Niazi, learned counsel
appearing on behalf of the petitioner and Md.
Matloob Rab, learned Additional Public Prosecutor
for the State.

The petitioner seeks regular bail, who is in
custody in connection with Jalley P.S. Case No. 12
of 2021 registered for the offences punishable
under Sections 307 and 393 of the Indian Penal
Code and Section 27 of the Arms Act.

It is alleged by the informant that four
miscreants are said to have tried to commit loot in
a petrol pump, however, on protest, one miscreant,
namely, Bajrangi Sah was apprehended by the



local people and from whose possession, one loaded *Desi Katta*, live cartridge and other incriminating article(s) have been recovered. Apprehended co-accused Bajrangi Sah disclosed the name of the petitioner and others as his associates.

Learned counsel appearing on behalf of the petitioner submits that from the tenor of the FIR, it is evident that the name of the petitioner has come on the disclosure of co-accused Bajrangi Sah and neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his person or possession, apart from the fact that he has not been put on T.I. parade, so that proper identification would be made by the owner of the petrol pump. He further submits that the person on whose disclosure the name of the petitioner transpired, has been allowed the privilege of bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 59163 of 2022 vide order dated 11.02.2022. He next submits that other co-accused persons having



identical allegation, have also been enlarged on bail by different orders of this Court, the copies of which have also been brought on record by way of Annexure-4 series. While concluding his submission, he lastly submits that with regard to the present occurrence, two FIRs' have been instituted and further when the petitioner was apprehended and some materials have been recovered, other FIR has been instituted resulting into lodging of the four cases. However, prior to the present crime, the petitioner was involved in other two criminal cases, and, in fact, this is the reason why the petitioner has been implicated in this case. Now, the petitioner is in custody for about a period of two years and the charge-sheet has already been submitted much earlier.

On the other hand, learned counsel for the State vehemently opposes the application and submits that the petitioner is a habitual offender, involved in identical nature of crime and his name has been disclosed by the person, who was apprehended at the spot.



Regard being had to the submissions made on behalf of the parties and considering the fact that the person on whose disclosure the name of the petitioner has come, has been enlarged on bail, besides other persons having identical allegation, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Darbhanga in connection with Jalley P.S. Case No. 12 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two



consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

