

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66400 of 2022

Arising Out of PS. Case No.-281 Year-2022 Thana- KHIJARSARAI District- Gaya

Md. Shamshad Alam Son of Md. Majhar @ Md. Majhar Alam Resident of
Village- Islampur, Budha Nagar, Near Railway Station, P.S.- Islampur,
District- Nalanda(Bihar) Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shanker, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Uma Shanker, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Khizersarai P.S. Case No.281 of 2022,
registered for the offence punishable under Section 395 of the
Indian Penal Code.

It is alleged that on 04.08.2022, while the informant
was going on his bike, in the meantime five miscreants riding on
two motorcycles surrounded him and started assaulting by
means of pistol's butt and also snatched other valuables and
cash of Rs.2,000/-. It is further alleged, on alarm being raised,
villagers assembled there and this petitioner was apprehended at



the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that no incriminating material has been recovered from the possession of the petitioner, apart from he is a student of B.A. (Hon.) Part -II pursuing his study in Patliputra University, Patna and as per the submission on the alleged dated of occurrence he was going on his motorcycle but on suspicion he was intercepted by the villagers and thereafter he was handed over to the police. He further submits that be that as it may, the petitioner is in custody for over a period of six months and now the investigation of the crime is already complete and the charge-sheet has been submitted and as such there is no chance of tempering of the evidence or intimidating the witnesses. He lastly submits that keeping the petitioner behind the bar would serve no further purpose.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner was apprehended by the villagers while he was fleeing from the place of occurrence after committing the crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a



student, pursuing his study in a reputed university, and he is in custody for over a period of six months, coupled with the fact that charge-sheet has been submitted and the petitioner having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Gaya, in connection with Khizersarai P.S. Case No.281 of 2022, 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.

(Harish Kumar, J)

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