

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71746 of 2022

Arising Out of PS. Case No.-298 Year-2020 Thana- JAMUI District- Jamui

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Rahim Mian, Son of Maulana Mohammad Hussain @ Md. Maulana Hussain
Resident of Village - Adsar, P.S. and District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Jamui

P.S. Case No.298 of 2020, registered for the offences

punishable under Sections 399 and 402 of the Indian Penal

Code and Sections 25(1-b)A(ii), 26, 35 of the Arms Act.

The prosecution case as emerges from the FIR is

that the informant/Chandan Kumar, S.H.O, Jamui, on secret

informant arrested two persons, namely, Shabaz Mian and

Raushan Ram with a loaded countrymade pistol, planning

dacoity. However, three other persons including the

petitioner were able to flee away.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not arrested on the spot and his name has transpired only in the confessional statement of the co-accused which has no value in the eyes of law. He further submits that though he has criminal antecedents, either he has been acquitted or he has been granted bail in all the previous cases.

He further submits that the petitioner has been languishing in jail since 16.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in twelve other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No.298 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that



the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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