

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73057 of 2023

Arising Out of PS. Case No.-292 Year-2023 Thana- SAHARSA SADAR District- Saharsa

MD. DILJAR SON OF LATE MD. KARIM R/O FAKIRTOLA WARD
NO.16/19, P.S.- SAHARSA, DISTRICT- SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Saharsa Sadar P.S. Case No. 292 of 2023 for the offence punishable under Sections 399/402 of the IPC and 25(1-B)a/26/35 of Arms Act lodged on 12.05.2023 by the informant, Ambika Sharma.

3. As per the prosecution story, the police apprehended the accused persons with arms which led to lodging of the FIR.

4. Learned counsel for the petitioner submits that so far as he is concerned, only mobile has been recovered from his possession and he do not have criminal antecedent. Further, he is in custody since 13.5.2023 (para-10 of the petition).

5. Learned APP opposes the prayer for bail.



6. Taking into account the fact that there is no fire-arm recovery from his possession and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 292 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

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

