

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73065 of 2022

Arising Out of PS. Case No.-57 Year-2016 Thana- MAHKAR District- Gaya

Md. Javed S/o Md. Salim R/o Village- Dangra, P.S.- Mohanpur, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 18.08.2022, in connection with Mahkar P.S. Case No. 57 of 2016, F.I.R. dated 02.06.2016 registered for the offences punishable under Section 395 of the Indian Penal Code.

The F.I.R. of the occurrence of loot is against unknown.

Learned counsel for the petitioner submits that the petitioner carries six more cases other than the present one in which he is on bail in all the cases and he has been falsely 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 the confessional statement of co-accused person namely Shahid Khan. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner was remanded in the present case from Mohanpur P.S. Case No. 70 of 2022 on 18.08.2022 and till date no test identification parade was conducted by the prosecution. He further submits that co-accused person namely Dinesh Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 04.07.2017 passed in Cr. Misc. No. 23912 of 2017, another co-accused person namely Md. Khalid Naim has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 10.08.2017 passed in Cr. Misc. No. 35988 of 2017 respectively.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Gaya in connection with Mahkar P.S. Case No. 57 of 2016, 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 witness, 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 antecedents, 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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