

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2095 of 2023

Arising Out of PS. Case No.-389 Year-2021 Thana- NATHNAGAR District- Bhagalpur

MD. SIBRAIL S/O JHAKO Resident of village- Bhatoria, P.S.-
Madusudanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Section 394 of the Indian Penal
Code and Section 27 of Arms Act.

The FIR of the occurrence of loot is against unknown.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. He further submits that the petitioner is not named in the
FIR. Name of the petitioner has been transpired during
investigation on the basis of the confessional statement of the
co-accused persons. Further submits that nothing has been
recovered from conscious possession or the house of the
petitioner and till date no TIP has been conducted by the



prosecution. Further submits that no arms has been recovered from possession of the petitioner. Hence, no case is made out against the petitioner under the Arms Act and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 10.05.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Nathnagar (Madhusudanpur) P.S. Case No. 389 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, 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 antecedent, 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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