

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74201 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- TEGHRHA District- Begusarai

Md. Amjad @ Md. Amzad Son of Noor Mohammad Resident of Village-
Mustafapur, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
24.06.2022 in connection with Teghra P.S. Case No. 177 of
2022, F.I.R. dated 23.06.2022 for the offences punishable under
Sections 406, 420, 419, 468/34 of the Indian Penal Code.

According to prosecution case, the police got secret
information that some miscreants were engaged in smuggling of
illegal arms and gold. It is further alleged that the place of
occurrence was raided and five accused persons were
apprehended including the petitioner and 1.800 kg of metal



biscuit like gold was recovered from them.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing incriminating articles have been recovered from the possession of the petitioner. He further submits that biscuit like gold was recovered from the co-accused person, namely, Raju Kumar Thakur. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Raju Kumar Thakur has been granted bail by a co-ordinate Bench of this Court vide order dated 04.04.2023 passed in Cr. Misc. No. 61377 of 2022, another co-accused, namely, Md. Kurban has been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2022 passed in Cr. Misc. No. 48799 of 2022 and co-accused, namely, Siddhart Kumar @ Sanket Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 16.03.2023 passed in Cr. Misc. No. 66756 of 2022. The petitioner is in custody since 24.06.2022.

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



Considering the aforesaid facts and circumstances, and the fact that the petitioner has clean antecedent and the co-accused persons have been granted bail and the police after investigation submitted the charge sheet against the petitioner, 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 the learned Chief Judicial Magistrate, Begusarai in connection with Teghar P.S. Case No. 177 of 2022, 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 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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