

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74575 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- AMNAUR District- Saran

MD. NEYAZ Son of Mehdi Hasan R/o- Chakmajahid, P.S.- Mahua, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.03.2022 in connection with Amanaur P.S. Case No. 41 of
2022, F.I.R. dated 16.02.2022 for the offences punishable under
Sections 392, 401, 120(B) of the Indian Penal Code.

According to prosecution case, in brief, is that on
16.02.2022 at about 04.15 A.M. one Sunil Kumar gave
fardbeyan to S.I. Sujeet Kumar Chaudhary, S.H.O. Amnaur
stating therein that on 15.02.2022 at about 09.30 P.M. he was
returning from village Bhabhangama by Scorpio vehicle along
with his son Ayash. At about 10.20 P.M. one Ambulance over
took his vehicle near Jahri Pakdi Government School and
stopped his vehicle and two miscreants came out from that
Ambulance & on the point of pistol sat on my Scorpio, taken



towards hither and dither and lastly dropped off me and my son at secluded location near Panchlal Mandir and then broke my SIM. It is further alleged that Rajeev Pratap Rudi name was written on the Ambulance.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.03.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, 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, Saran at Chapra in connection with Amnaur P.S. Case No. 41 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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