

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.783 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- SULTANGANJ District- Patna

MD. SALMAN S/O MD. KAYUM Resident of village- Dargah Road
Karbala, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mira Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 13.06.2022 in connection with Sultanganj P.S. Case No. 196 of 2022, F.I.R. dated 05.06.2022 registered for the offence punishable under Section 394 of IPC but the police, after investigation, submitted chargesheet under Sections 394 and 411 of IPC.

The allegation against the petitioner is that he alongwith other co-accused persons assaulted the informant upon which he got injuries. They also snatched Rs. 20,000/-, identity card, and one mobile phone from the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present



case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused, namely, Md. Naushad. Further submits that the police arrested the petitioner from his house and one knife has been recovered which is not the looted or the stolen property and till date no TIP has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, 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 Addl. Chief Judicial Magistrate-VI, Patna City in connection with Sultanganj P.S. Case No. 196 of 2022, 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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