

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3363 of 2023

Arising Out of PS. Case No.-238 Year-2021 Thana- THAWE District- Gopalganj

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MERAJ ALI S/o Jaijul Miyan R/o Village/at Purani Chowk Gopalganj, Ward
No 9, P.s Gopalganj Town, District Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
16.02.2022 in connection with Thawe P.S. Case No. 238 of
2021, F.I.R. dated 22.11.2021 registered for the offence
punishable under Section 392 of IPC but the police after
investigation submitted chargesheet under Sections 392 and 411
of IPC.

The FIR of the occurrence of robbery is against
unknown.

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 self-confessional statement of the petitioner which was recorded in Thawe P.S.Case No.244 of 2021 and the petitioner was remanded in the present case on 16.02.2022 and nothing has been recovered from conscious possession of the petitioner in the present case and the similarly situated co-accused persons, namely, Rajnish Kumar Giri and Vivek Kumar Singh have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 22.12.2022 and 08.02.2023 passed in Cr. Misc. Nos.44675 of 2022 and 61624 of 2022 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one.

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 Judicial Magistrate, 1st Class, Gopalganj in connection with Thawe P.S. Case No. 238 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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