

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8566 of 2024

Arising Out of PS. Case No.-458 Year-2018 Thana- JAMUI District- Jamui

Rahim Mian son of Maulana Md. Hussain @ Mohammad Maulana Hussain
Village- Adsar Ps- jamui Dist- jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Jamui P.S. Case No. 458/2018 lodged on 27.08.2018 under
Section 461 and 379 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against unknown with an allegation of committing theft.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is not named in the FIR rather his name has figured in
the present case only on the basis of disclosure made by co-
accused at the instance of the police since the antecedent of the
petitioner is not clean as he is accused in 13 more criminal
case/s. In fact, neither any recovery has been made from the



possession of the petitioner nor he has been put on the Test Identification Parade. He further submits that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 03.06.2019 passed in Criminal Miscellaneous No. 35708 of 2019 while other co-accused has been granted bail vide order dated 28.01.2022 passed in Criminal Miscellaneous No. 11903 of 2021. He further submits that Circular Order No.1 of 2024 of the High Court of Judicature at Patna dated 2nd March, 2024 is not applicable in the present case. The petitioner is in custody since 09.11.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Jamui, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied that the petitioner is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-

(i) Jamui P.S. Case No. 110/2014

(ii) Jamui P.S. Case No. 133/2015

(iii) Khaira P.S. Case No. 69/2009



- (iv) Khaira P.S. Case No. 103/2009
- (v) Jhajha P.S. Case No. 255/2016
- (vi) Jhajha P.S. Case No. 283/2019
- (vii) Jamui P.S. Case No. 298/2020
- (viii)Jamui P.S. Case No. 394/2006
- (ix)Jamui P.S. Case No. 673/2019
- (x) Jamui P.S. Case No. 134/2013
- (xi) Jamui P.S. Case No. 567/2019
- (xii) Jamui P.S. Case No. 133/2010
- (xiii) Jamui P.S. Case No. 290/2020

(Dr. Anshuman, J)

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