

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11211 of 2024

Arising Out of PS. Case No.-333 Year-2022 Thana- SAMASTIPUR District- Samastipur

Md. Ekramul S/O Mohammad Abdul Barik @ Md. Barik Village- Daulatpur,
Ps.- Warisnagar, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Sanjay, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Samastipur Town P.S. Case No. 333 of 2022, lodged on
06.12.2022 under Section 395 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against 8-10 unknown accused persons against whom there is an
allegation of *dacoity* in the house of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that nothing incriminating has been recovered from
the possession of the petitioner nor he was put on TIP and nor
the articles have been put on TIP. Counsel further submits that
the antecedent of the petitioner is not clean and there are seven



criminal cases pending against him in which he is on bail. The petitioner is in custody since 23.06.2023 in the present case.

5. Learned counsel for the petitioner submits that the charge-sheet has already been filed in this case. Counsel further submits that two co-accused persons have been granted bail by the co-ordinate bench of this Court *vide* order dated 11.10.2023 and 16.01.2024 passed in Cr. Misc. Nos. 64456 of 2023 and 86230 of 2023 respectively.

6. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that from the rejection order of the Additional Sessions Judge-VIII, Samastipur, it has come that some of the articles which is subject to *dacoity* has been recovered from the petitioner's house. Counsel also submits that the antecedent of the petitioner is not clean and there are seven criminal cases pending against the petitioner.

7. In the present facts and circumstances that some of the articles have been recovered from the petitioner's possession, but whose TIP has not been made.

8. In this background, **let the petitioner above named be granted bail, but only six months after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/-



(Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Samastipur Town P.S. Case No. 333 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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.

9. However, the petitioner shall be granted bail only



on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

- (I)- Warisnagar P.S. Case No. 135 of 2023.
- (II)- Samastipur Town P.S. Case No. 236 of 2023.
- (III)- Samastipur Town P.S. Case No. 85 of 2023.
- (IV)- Samastipur Town P.S. Case No. 236 of 2022.
- (V)- Tajpur P.S. Case No. 587 of 2022.
- (VI)- Anarghat P.S. Case No. 67 of 2022.
- (VII)- Khanpur P.S. Case No. 223 of 2022.

Divyansh/-

(Dr. Anshuman, J.)

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