

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28262 of 2024

Arising Out of PS. Case No.-82 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

Md. Shamim @ Shamia @ Samim son of Ali Hasan Mohalla- Rampara
Baigna W.no-24, Ps- Nagar Dist-Katihar Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr. Bimal Kumar, learned counsel for the
petitioner and Mr. Rajendra Nath Jha, learned APP for the State.

2. Petitioner, who is in custody since 01.11.2023,
seeks bail in connection with Mufassil PS Case No. 82 of 2022
registered on 16.05.2022 for the offences punishable under
Sections 394 and 302/34 of the Indian Penal Code and Section
27 of the Arms Act.

3. As per prosecution case, two unknown motorcycle
borne miscreants looted away cash of Rs. 6,66,140/- from the
cashier of Aisha Motor Agency, namely, Rajat Pratik and when
he objected to the same, one of the miscreants fired upon him,
as a result of which, he fell down on the ground. Later on, in
course of treatment, Rajat Pratik died.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He



further submits that the petitioner is not named in the F.I.R. Name of the petitioner has transpired only on the basis of confessional statement of co-accused person, namely, Gautam Kumar, who has already been granted bail by this Court *vide* order dated 19.05.2023 passed in Cr. Misc. No. 73755 of 2022. From perusal of the confessional statement of Gautam Kumar, it appears that the allegation of firing is upon one Manish Khalifa who has also been granted bail by the Co-ordinate Bench of this Court *vide* order dated 20.06.2023 passed in Cr. Misc. No. 14898 of 2023. Learned counsel further submits that several other similarly situated co-accused persons have also been granted bail by the Co-ordinate Benches of this Court *vide* Annexure- P3 Series. The police has submitted the charge-sheet and the petitioner is in custody since 01.11.2023.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposed the prayer for bail of the petitioner and submits that although on the basis of confessional statement, name of the petitioner has transpired but petitioner is found to be involved in eight other cases. However, he is on bail in all the pending matters.

6. Considering the aforesaid facts and the period of custody and similarly situated accused persons have been



granted bail by the different Benches of this Court, the petitioner namely, Md. Shamim @ Shamia @ Samim is directed to 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 Additional Sessions Judge-IV, Katihar in connection with Mufassil PS Case No. 82 of 2022, S.T. No. 665 of 2023, subject to the following conditions:-

(i) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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