

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29014 of 2024

Arising Out of PS. Case No.-781 Year-2022 Thana- GAYA KOTWALI District- Gaya

Md. Vickiy @ Gajni @ Shamshad Son of Md. Khalid R/o Mohalla- Kathokar
Talab, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 14-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kotwali P.S. Case No. 781 of 2022, lodged on 03.12.2022,
under Section 394 of the I.P.C.

3. As per the prosecution, the F.I.R. has been lodged
against three unknown accused persons, who are alleged to have
entered the informant's shop and looted cash and silver coins at
the gun point. It has been intimated that their conduct has been
captured in the CCTV camera.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that he in custody since 19.01.2023 and nothing incriminating
has been recovered from his possession nor he was put on Test



Identification Parade. He submits that the only material against the petitioner is that there are in total 11 criminal cases pending against him. He also submits that a report was called for regarding Test Identification Parade in this case. He further submits that other co-accused was granted bail by this Court vide order dated 08.06.2023 passed in Cr. Misc. No. 29463 of 2023.

5. Learned counsel for the State opposes the prayer for bail and submits that there are in total 11 criminal cases pending against the present petitioner including the present one. He submits that it can be observed by the rejection order that the petitioner is a habitual offender and from the Test Identification Parade it has also come that the petitioner has refused to appear in the Test Identification Parade even after repeated requests of I.O. He further submits that the offences have been continuously conducted by the petitioner shall come within the purview of Section 111(3) of the Bharatiya Nyaya Sanhita, 2023.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted 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 C.J.M. Gaya, in connection



with Kotwali P.S. Case No. 781 of 2022, **after framing of charge if not framed, as well as on being satisfied that he is not absconding in any of the cases mentioned in paragraph 3 of the bail application as follows:-**

(i) Kotwali P.S. Case No. 348 of 2013.

(ii) Kotwali P.S. Case No. 112 of 2016.

(iii) Kotwali P.S. Case No. 259 of 2013.

(iv) Civil Lines P.S. Case No. 140 of 2017.

(v) Kotwali P.S. Case No. 28 of 2017.

(vi) Kotwali P.S. Case No. 518 of 2017.

(vii) Kotwali P.S. Case No. 309 of 2018.

(viii) Kotwali P.S. Case No. 319 of 2018.

(ix) Civil Lines P.S. Case No. 12 of 2011.

(x) Civil Lines P.S. Case No. 266 of 2018, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. 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.

(vi) if the petitioner has found involved in any crime of similar nature after 1st July 2024, it is directed that Section 111(3) of the Bharatiya Nyaya Sanhita, 2023 be also added.

(Dr. Anshuman, J.)

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