

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50702 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- MANIGACHI District- Darbhanga

Md. Aziz, son of Md. Shafique, Village- Raham Khan, Po- Lalbag, Ps-
Laheriyasarai, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 24-07-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Manogachhi P.S. Case No.
82 of 2024 registered for the offence punishable under Sections
413 and 414 of the Indian Penal Code and Section 25(1-b)a, 25,
26 and 35 of the Arms Act.

3. Based upon the written report the prosecution
alleges that while the petitioner was stealthily trying to enter
into the house of others, local persons apprehended him and
handover to the police. Before the police the petitioner disclosed
that he is indulged in crime of theft and on disclosure made by
the petitioner, twelve cartridges have been recovered from his
house. The petitioner also disclosed that his brother has also
sold a stolen laptop to another person, which is also said to have



been recovered.

4. Learned Advocate appearing on behalf of the petitioner contended that the entire case is based on the confession of the petitioner. So far the recovery of twelve cartridges are concerned, the same is recovered from the joint family house where several persons reside. The FIR also discloses that when the police apprehended the petitioner, nothing incriminating has been recovered from his possession. It is next contended that the petitioner has absolutely clean antecedent and moreover, he is in custody since 16.04.2024. The investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that on confession of the petitioner cartridges have been recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIIIth, Darbhanga in connection with Manigachhi P.S. Case No. 82 of 2024, subject to the condition



that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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