

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61293 of 2024

Arising Out of PS. Case No.-193 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

Rahmat Qureshi @ Rahmat Quraishi S/o Md. Yasin Qureshi @ Yasin Qureshi
Resident of mohalla - Maulanachak, police station - Mojahidpur , District
-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-09-2024 Heard the parties.

2. The petitioner is in custody in connection with S.T. No. 658 of 2021 arising out of Mojahidpur (Babarganj) P.S. Case No. 193 of 2021 for the offence punishable under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act lodged on 19.07.2021 by the informant, Md. Arif Khan.

3. In this case, the petitioner was extended relief on 17.08.2022 in Cr. Misc. No. 25467 of 2022 with the direction that he shall appear before the learned Trial Court on each and every date and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the learned Trial Court itself.

4. It seems that the petitioner defied the said clause and the order dated 11.07.2024 of the learned Sessions Judge shows



that he defaulted on several dates and as per the police report, he was not appearing as the petitioner was absconding in some other cases to avoid his arrest. In that background, bail of the accused was cancelled on 22.08.2023 and this led to his judicial custody on 10.10.2023.

5. Learned counsel for the petitioner submits that mistake has been committed by him and henceforth, he will be appearing diligently on each and every date and failure to do so for even a single date without a plausible reason, his bail be cancelled by the learned Trial Court itself. Further, it is his case that he is no longer an absconder and has already stated in paragraph-3 of the petition that in all of the criminal cases lodged against the petitioner, he is on bail. He further submits that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to deposit Rs. 10,000/- to the District Legal Services Authority, Bhagalpur (for the purchase of journals).

6. Learned APP opposes the prayer submitting that as per the learned Sessions Judge order, he is absconding to avoid his arrest.

7. Though the order of the learned Sessions Judge supports the version put forwarded by the learned APP, the petitioner in paragraph-3 has made a categorical statement that he



is on bail in each and every cases incorporated in the said paragraph and he further undertakes to appear on each and every date and failure to do so, the learned Trial Court shall take steps for cancellation of his bail bond.

8. Considering the aforesaid facts as also the clear declaration that he is not an absconder and has procured bail in all the cases, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Bhagalpur for the purchase of journals which has to be submitted by way of Bank Draft addressed to the District Legal Services Authority, Bhagalpur at the time of execution of bail bond.

9. It is made clear that if the statement made in paragraph-3 of the petition is incorrect and the petitioner is still absconder in some of the criminal cases, the present order shall become infructuous.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-V, Bhagalpur, in connection with S.T. No. 658 of 2021 arising out of Mojahidpur (Babarganj) P.S. Case No. 193 of 2021 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

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

(iii) the petitioner shall appear before the concerned police station every fortnight till conclusion of the trial to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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