

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61975 of 2024**

Arising Out of PS. Case No.-544 Year-2021 Thana- ARARIA District- Araria

Amanullah @ Aman Son of Md. Abid @ Abid R/V-Village-Doriya Sonapur,
Ward No.- 12, PS- Simraha, District Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

3 14-11-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Araria P.S. Case No. 544 of 2021 dated 02.07.2021, lodged
under Sections 394/411 of the Indian Penal Code.

3. Learned Counsel for the petitioner submits that the
bail application of the petitioner has earlier been rejected twice
vide order dated 01.11.2022 passed in Cr. Misc. No. 38780 of
2022 with liberty granted to the petitioner to renew his prayer
for bail after six months of framing of charge and *vide* order
dated 22.09.2023 passed in Cr. Misc. No. 55004 of 2023.
Counsel submits that charge has already been framed in this
case but trial has not been concluded. Counsel further submits



that other accused persons have been granted bail by the Co-ordinate Bench of this Court which is annexed as Annexure-3 series of the bail application. Counsel further submits that the offence in which the case has been lodged is of magisterial triable.

4. Learned Counsel for the petitioner further submits that the criminal antecedent of the petitioner is not clean as there are four criminal cases pending against him in which in all the cases, he is on bail. Counsel submits that the petitioner is in custody since 18.08.2021 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean as there are four criminal cases pending against him and this aspect must be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case, let the petitioner above named, be granted bail but only after framing of charge, if not framed as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are mentioned below, and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty



Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st Class, Araria in connection with Araria P.S. Case No. 544 of 2021, 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.

7. Pending cases against petitioner are as follows:-



- Tarabari P.S. Case No.82 of 2021
- Tarabari P.S. Case No.84 of 2021
- Araria P.S. Case No.470 of 2021
- Araria P.S. Case No.556 of 2021

(Dr. Anshuman, J)

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