

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69110 of 2024

Arising Out of PS. Case No.-685 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Md. Javed Alam @ Md. Jawed @ Md. Jawed Alam Son of Md. Mir Hasim
Resident of Village- Saharsa Basti, Ward No. 27, P.S- Saharsa, District-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 22-11-2024 Heard learned counsel for the petitioner and learned

APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with

Saharsa Sadar P.S. Case No. 685 of 2024 instituted for the

offences under Sections 310(4), 310(5), 319(2), 318(4),

337, 338, 336(3), 111(3) of Bharatiya Nyaya Sanhita and

Section 25(1-B)a, 26 and 35 of the Arms Act.

3. As per prosecution case, the allegation against the

accused persons including the petitioner is that they are

indulged in continuing unlawful activity of organized crime

and had assembled in Second Wife Restaurant and Marriage

Hall in order to commit robbery or dacoity armed with deadly



weapons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused Vikash Kumar Jha who was seeing the jewelry shop on his black Thar vehicle. Except confessional statement, there is nothing against the petitioner. The petitioner was arrested by the police along with his Thar vehicle but, no fire arms or any incriminating material have been recovered from his physical or conscious possession. The alleged recovery of the pistol and cartridges has been made from the possession of the co-accused Vikash Jha, Ashutosh Kumar Jha and Manish Kumar @ Mania. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has four criminal antecedent and is languishing in judicial custody since 11.07.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.



5. Learned counsel for the petitioner again submits that the co-accused namely Abhinav Anand @ Govind Singh has already been granted bail by this Court vide order dated 19.11.2024 passed in Cr. Misc. No. 79994 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner has also four criminal antecedents and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner as also there being no recovery of any arms and ammunition from his possession, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa Sadar P.S. Case No. 685 of 2024. subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

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