

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74948 of 2024

Arising Out of PS. Case No.-622 Year-2021 Thana- MUFFASIL District- West Champaran

Faiyaj Ansari S/o- Late Sarfuddin Ansari Village- Amaithiya, P. S. - Yogapatti,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manaur Alam, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-12-2024 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No. 88 of 2023, C.I.S. No. 55 of 2023 arising out of Bettiah Mufassil P.S. Case No. 622 of 2021, lodged on 31.10.2021 under Sections 382, 401, 413 and 414 of the Indian Penal Code and Section 25 (1-b)a/26/35 of the Arms Act.

3. As per the prosecution, F.I.R. has been lodged against five named accused persons including the present petitioner alleging that they used to commit theft of motorcycles and during search, one loaded pistol and one live cartridge were recovered from the possession of apprehended persons.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner is not apprehended from the spot,



rather, his name has been inserted in this case by virtue of confessional statement of apprehended persons. Counsel further submits that the criminal antecedent of the petitioner is not clean. There are in total 10 criminal cases pending against him in which he is on bail in all cases. Counsel further submits that the petitioner is in custody since 21.06.2022 in the present case. Counsel further submits that the co-accused persons who had been apprehended by the police in this case have already been granted bail by this Court as well as by the Co-ordinate Bench of this Court which is annexed as Annexure-P/2, Annexure-P/3 and Annexure-P/4 respectively. Counsel further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. Counsel also submits that the charge has already been framed in this case.

5. Learned APP for the State opposes the prayer for bail and submits that the criminal antecedent of the petitioner is not clean and this aspect may be taken into consideration while considering the bail application of the petitioner.

6. After hearing the parties, it transpires to this Court that charge has already been framed and no purpose shall be solved, keeping the petitioner into custody.

7. In the present facts and circumstances of this case



and the submissions made above, let the petitioner above named, be granted bail, **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 which are pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II, West Champaran, Bettiah in connection with Bettiah Mufassil P.S. Case No. 622 of 2021, 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;

(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.

8. Pending cases against the petitioner, as mentioned in paragraph No. 3, are as follows:-

- (i) Yogapatti P.S. Case No. 208 of 2013
- (ii) Chanpatiya P.S. Case No. 229 of 2016
- (iii) Chanpatiya P.S. Case No. 258 of 2016
- (iv) Shikarpur P.S. Case No. 533 of 2016
- (v) Bettiah Muffasil P.S. Case No. 540 of 2021
- (vi) Bettiah Town P.S. Case No. 553 of 2021
- (vii) Bettiah Town P.S. Case No. 570 of 2021
- (viii) Shanichari P.S. Case No. 443 of 2021
- (ix) Shanichari P.S. Case No. 338 of 2021
- (x) Yogapatti P.S. Case No. 458 of 2021

Aman Kumar/-

(Dr. Anshuman, J)

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