

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77078 of 2023

Arising Out of PS. Case No.-256 Year-2021 Thana- BAHADURPUR District- Darbhanga

Md Shamshad S/O Md. Jalaluddin @ Md. Jalaudin Kujra @ Jalaudin Kujra
R/O Mohalla/Vill- Agraidih, PS. Biraul, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Archana Shahi, Adv.
	:	Mr. Kedar Jha, Adv.
For the Opposite Party/s	:	Mr. Rajendra Singh Sastri, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 02-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bahadurpur P.S. Case No. 256/2021 registered for the offences punishable under Sections 341/324/307/379/506/34 of the Indian Penal Code and charge sheet has been submitted in this case on 395/412 of the IPC on 11.08.2021.

3. As per prosecution case, the informant lodged the case against three named accused persons and three-four unknown persons and alleged that accused persons assaulted to the informant due to which he sustained injury and snatched his motorcycle, two mobile phones, Rs.12,000/-, Pan Card, ATM Card and Identity Card etc.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. There is specific allegation against co-accused Raja Sahni and Golu Sahni who assaulted the informant by means of knife. The petitioner has been implicated in eleven cases without being named in FIR except Simri P.S. Case no. 121/2021. Learned counsel for the petitioner orally submits that in all cases he is on bail. The petitioner has been roped in a case one after another just because of the high-handedness of police. He further submits that alleged occurrence took place on 16.04.2021 at 8.45 PM and TIP was conducted on 23.07.2021 after three months of the alleged occurrence. He further submits that in re-statement informant himself stated that he has not identified 3-4 other persons just because of darkness then, how after three months the informant has identified this petitioner during course of TIP, which creates doubt upon the authenticity of the TIP. Basically nothing has been recovered from the conscious possession of the petitioner, only some recoveries are being alleged to be shown from the possession of the petitioner because of having criminal antecedent. The petitioner is languishing in custody since 14.06.2021. Charge sheet has been submitted in this case and there is no likelihood of tampering



with the prosecution evidence. He further submits that on similar and identical allegations, co-accused Sunder Yadav has already been granted bail by this Court vide Cr. Misc. No.41657/2022 and on the principle of parity, the petitioner also deserves same treatment.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, on similar and identical allegation co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Darbhanga in connection with Bahadurpur P.S. Case No. 256/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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