

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82780 of 2023

Arising Out of PS. Case No.-180 Year-2006 Thana- RAMNAGAR District- West Champaran

Jamshed Ahmad @ Jamshed Mian Son of Late Imteyaz Ahmad R/O Vill -
Miskar Toli, Ramnagar, P.S. - Ramnagar, Dist - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

Mr. Bharti Rai, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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

ORAL ORDER

4 20-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the fourth attempt of the petitioner. Firstly, the petitioner has moved before this Court in Cr. Misc. No. 34903 of 2007 which was rejected vide order dated 13.08.2007 passed by a Co-ordinate Bench of this Court but, the same was cancelled by the learned court below on breach of bail conditions. Secondly, the petitioner moved before this Court in Cr. Misc. No. 2553 of 2023 and vide order dated 06.02.2023, the same was dismissed for default. Thirdly, the petitioner moved before this Court with a prayer for bail in Cr. Misc. No. 41439 of 2023 which was allowed vide order dated 05.07.2023 but, the same was pre-emptory order and was again dismissed



for default as the petitioner failed to remove the defects.

3. The petitioner seeks bail in connection with Sessions Trial No. 194(A) of 2009 arising out of Ramnagar P.S. Case No. 180 of 2006 instituted for the offences under Sections 399, 402 of the Indian Penal Code and Section 25(1-B)A, 26 and 35 of the Arms Act.

4. As per prosecution case, the police, on receipt of secret information, raided the house of the co-accused Sadik Mian. In course of search operation, some persons tried to escape from there but, five persons including the petitioner were caught held by the police and one of them fled away. On search, the police recovered one country made loaded pistol along with a .315 bore cartridge from the possession of the petitioner.

5. 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 due to enmity. The petitioner has five criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since the date of his remand i.e. 17.06.2015 and the charge-sheet after investigation has been submitted in this case.

6. On the other hand, the learned A.P.P. for the State



has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named accused in the F.I.R. and the allegation made against the petitioner is serious in nature and, thus, the petitioner does not deserve bail.

7. Pursuant to the order of a Co-ordinate Bench of this Court, the learned court below has sent its report dated 07th March, 2024 regarding stage of the case stating therein that out of total eight charge-sheeted witnesses, none has been examined so far. Trial of the case is likely to be concluded within six months if requisite cooperation from the parties is received.

8. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the report sent by the learned court below, 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 Sessions Trial No. 194(A) of 2009 arising out of Ramnagar P.S. Case No. 180 of 2006, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every



date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(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.

(Rudra Prakash Mishra, J)

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