

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82619 of 2024

Arising Out of PS. Case No.-283 Year-2024 Thana- BARARI District- Katihar

Md. Aslam S/o- Ataur Rahman @ Atawur Rahman Resident of Village- Balua
Chowk PS- Barari District-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Adv.
For the Opposite Party/s	:	Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-12-2024

Heard the parties.

2. The petitioner is in custody in connection with Barari P.S. Case No. 283 of 2024 for the offence punishable under Sections 310(4), 310(5) of the Bhartiya Nyaya Sanhita, 2023 lodged on 19.09.2024 by the informant, Fulendra Kumar.

3. As per the prosecution story, the informant alleged that having got knowledge of accused planing to commit big crime, place was raided and the allegation is that from:

(i) Vicky- one live cartridge as also mobile phone from his pocket.

(ii) Chandan Kumar Mandal- loaded country made revolver with two cartridges and a mobile phone.



(iii) Nawaj Sharif- two live cartridges and a mobile phone.

(iv) Md. Aslam (petitioner herein)- one samsung mobile.

As they failed to produce the papers and further disclosed that on 1.09.2024 they committed *Dacoity* and today also they were planning for it. This led to FIR/arrest.

5. Learned counsel for the petitioner submits that he do not have criminal antecedent and the police on false premise has implicated him. In any case, there is a recovery of mobile from him and he is in custody since 20.09.2024.

6. Learned APP opposes the prayer for bail submitting that the accused confessed to the crime as they were involved in the earlier *Dacoity* also. It is surprising that Paragraph 3 of the petition shows that he do not have any criminal antecedent.

7. Taking into account the submissions put forward by the parties as also that there is only a recovery of the mobile phone from his personal possession, he do not have criminal antecedent and is in custody since 20.09.2024, this Court is inclined to extend him the privilege of bail



with conditions.

8. However, if it is found that he do have criminal antecedent contrary to the statement made in Paragraph 3 of the petition, the order shall be infructuous.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, in connection with Barari P.S. Case No. 283 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for can-
cellation 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 his bail bonds.

(Rajiv Roy, J.)

Jyoti Kumari/-

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