

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.857 of 2024

Arising Out of PS. Case No.-1014 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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Jawed Alam S/o - Kaimul Sah @ Amul Husenu R/o Village- Dewapur Purdil
Tola, PS - Manjhagarh, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Patna,

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gopalganj P.S. Case No. 1014 of 2022 lodged on 08.12.2022
under Section 394 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against unknown accused persons against whom there is
allegation of snatching motorcycle and cash.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. In fact, the
present FIR has been lodged against unknown accused persons,
subsequently, the name of the petitioner has surfaced by virtue
of the confessional statement of the co-accused. He further
submits that neither any incriminating article has been recovered
from the possession of the petitioner nor he was put on the Test



Identification Parade. Learned counsel for the petitioner further submits that the petitioner has been named in the present case only due to the reason that his antecedent is not clean and there are 19 criminal cases pending against him. Out of 19 cases, in 17 cases, he has been granted bail and in rest two cases, he is seeking bail. The petitioner is in custody since 15.02.2023 having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the petitioner is accused in 19 more criminal cases.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **only after framing of charge and the trial Court on being satisfied on the undertaking to be submitting by the petitioner before the trial Court to the effect that he is not absconding in any of the 19 cases pending against him,** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj in connection with Gopalganj P.S. Case No.1014 of 2022, subject to the conditions



as laid down under Section 437(3) of the Code of Criminal Procedure 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; and

(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.

(Dr. Anshuman, J)

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