

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5188 of 2024

Arising Out of PS. Case No.-708 Year-2023 Thana- AURANGABAD TOWN District-
Aurangabad

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Tanveer Hussain @ Tanveer AHMAD @ Tanveer alam S/O - NESAR @
BUDHU mian RESIDENT OF VILLAGE - NAWADIH, MIDDLE
SCHOOL, AURANGABAD, PS AURANGABAD TOWN DIST. -
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Aurangabad Town P.S. Case No. 708 of 2023 registered for
the offences punishable under Sections 341, 323, 504, 506,
379, 385/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per prosecution case, it is alleged that
when the informant was constructing boundary wall, five
persons including the petitioner have come there and have
started demanding Rangdari of rupees two lakhs. It is
further alleged that when the informant refused to fulfill the
demand of ransom, all the accused persons assaulted him



and snatched the gold chain from his neck. It is further alleged that petitioner with intention to kill the informant fired upon him.

4. Learned counsel for the petitioner submits that petitioner is in custody since 27.10.2023. Petitioner bears criminal antecedent of two cases in which he is on bail but there is no any case of Section 385 of I.P.C. pending against the petitioner. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that though there is an allegation of firing but no sign of firing has been found on the place of occurrence and on the basis of the allegation made in the F.I.R. no one has sustained the fire arm injury, which makes the prosecution story doubtful, so Section 27 of the Arms Act is not applicable in the given facts and circumstances of the case. Allegation of demanding ransom is made just to make the case graver. From the perusal of F.I.R. itself, the dispute is connected with the boundary works of the informant, in this way, petitioner is not in any way connected with the alleged occurrence. Learned counsel further submits that petitioner



is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, 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, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Aurangabad Town P.S. Case No. 708 of 2023, 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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