

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13178 of 2025

Arising Out of PS. Case No.-94 Year-2008 Thana- BARURAJ District- Muzaffarpur

Md. Masud Alam @ Md. Nasud Alam @ Mashood Alam Son of Md. Abdul Gaffar Resident of Village- Sitalpura, Tola - Hanumanganj, P.S.- Chakiya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for regular bail which was allowed vide order dated 15.06.2009 which was subsequently modified vide order dated 06.07.2009 passed in Cr. Misc. No. 20184 of 2009.

3. The petitioner seeks bail in connection with Baruraj P.S. Case No. 94 of 2008 instituted for the offences under Sections 399/402/414 of the Indian Penal Code and Section 25(1-A)/26(ii)/35 of the Arms Act.

4. As per prosecution case, the police has recovered one live cartridge and a touch mobile, mobile battery, one



knife and 1 key, one black colour purse from the possession of the petitioner. The police has also recovered one loaded desi pistol having 8 mm live cartridge along with three live 8 mm cartridge and one nokia 1200 mobile from the possession of the co-accused Raj Kumar @ Akash Kumar.

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. The present case is a misuse of privilege of grant of bail. Learned counsel for the petitioner submits that the petitioner was granted bail by this Court on 15.06.2009. Subsequent to bail, the petitioner was represented through his lawyer but, on 06.08.2014, the petitioner did not appear before the learned court below for framing of charge and the bail bond of the petitioner got cancelled. He further submits that on 02.03.2019, the process under Section 82 Cr.P.C. was issued and on 20.05.2019, the process of Section 83 Cr.P.C. was issued and the permanent warrant was issued on 19.09.2019 and the D.O. letter was issued on 17.02.2020. The petitioner is in custody since 29.11.2024 and bears no



criminal antecedent. Learned counsel for the petitioner further submits that the petitioner undertakes to abide by any conditions imposed by this Court, if released on bail.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also taking into account the undertaking given by the petitioner, 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 Baruraj P.S. Case No. 94 of 2008, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by



the court and shall remain physically present as directed by
the Court and in the event of failure on two consecutive dates
without sufficient reasons, his bail bond shall be liable to be
cancelled by the court below.

(Rudra Prakash Mishra, J)

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