

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87881 of 2024

Arising Out of PS. Case No.-823 Year-2024 Thana- SASARAM NAGAR District- Rohtas

Amjad Ali Son of Nasrul Alam @ Masrul Alam Village- Pathan Toli PS
-Sasaram Town, Distt -Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate

For the State : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-01-2025 Heard Mr. Deovind Kumar Singh, learned
counsel for the petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Sasaram Nagar P.S. Case No. 823 of 2024 for the offences punishable under Sections 304(2) and 317 (2) of the Bharatiya Nyaya Sanhita, lodged on 07.10.2024 by the informant, Shailendra Aware.

3. As per the prosecution story, the informant alleged that while he was walking with the mobile phone on, it was snatched by accused persons on motorcycle. Upon raising alarm, the two accused persons were apprehended, petitioner being one of them. The mobile was recovered from another accused. Both were taken into custody. This led to the F.I.R.

4. Learned counsel for the petitioner submits that a scuffle took place with the informant and this resulted into the



present case. In any case, recovery is from the other accused, he do not have criminal antecedent, is in custody since 08.10.2024. Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant has lost his mobile, the petitioner on its own would like to pay Rs.5,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the Trial Court to be handed over to the informant after checking credentials.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also the fact that he has remained in custody since 08.10.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail subject to payment of Rs.5,000/- as undertaken by the learned counsel for the petitioner to be paid to the informant by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram in connection with Sasaram Nagar P.S. Case No. 823 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 next 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 cancellation 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 bail bonds.

(Rajiv Roy, J)

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