

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24314 of 2016

Arising Out of PS.Case No. -117 Year- 2016 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Md. Sahab, Son of Md. Kalim @Md. Kasim, Resident of Village/Mohalla
Khasganj, PS Soh Sarai, District Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Arun Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 02-06-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking regular bail in connection with Bihar P.S. Case No.117 of 2016, registered for the offences punishable under Sections 379, 401, 411, 413 and 414 of the Indian Penal Code.

The F.I.R. was lodged against the unknown. As per the prosecution story, the informant had gone to market at 07:00 P.M., keeping his motorcycle in stand and when he returned, he found that motorcycle was stolen away. Later on, motorcycle was recovered. The petitioner has been made accused in the present case. From the order sheet it appears that though the motorcycle involved in the present case was not recovered from the possession of the petitioner but the motorcycle which was

subject matter of earlier criminal case, was recovered from the possession of the petitioner.

Counsel for the petitioner submits that no such recovery of the motorcycle has been made from the possession of the petitioner nor he is an accused having any criminal antecedent.

Having considered the facts and circumstances of the case, let the above-named petitioner 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 the learned Chief Judicial Magistrate, Nalanda at Bihar Shariff, in connection Bihar P.S. Case No.117 of 2016, subject to the conditions that:-

(i) one of the bailors will be a close relative of the petitioner;

(ii) if the petitioner is found involved in similar type of case in future, the prosecution will be at liberty to make prayer for cancellation of his bail and the Court below will pass necessary order, including cancellation of bail and;

(iii) that the petitioner would participate in the court proceeding and in the event of being absent on two consecutive dates without reasonable explanation, the court below will be at liberty to cancel the bail bonds of the petitioner.

(iv) the petitioner shall report to the nearest Police

Station by 7th of every month at least for 6 months.

However, the court below will verify the statement of the petitioner about having no criminal antecedent and after proper verification, the court below will pass the order for release of the petitioner on bail.

(Shivaji Pandey, J)

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