

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40858 of 2018

Arising Out of PS. Case No.-65 Year-2018 Thana- CHAKIA District- East Champaran

Parwej Alam @ Prawej Alam, son of Late Salamat, resident of village Raniganj, Ward No. 3, Police Station – Chakia, District – East Champaran at Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Amarendra Kumar, Advocate
Mr. Jai Shanker Prasad
For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Chakia P.S. Case No. 65 of 2018 registered for the offence punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on a complaint that motorcycle of one Sanjay Kumar has been looted by five persons, who had come in two motorcycles, the police on the information given by the spy went to the place of occurrence and found five persons riding three motorcycle. On seeing the police, one of the accused fled away, but four, including the petitioner were apprehended. From



the possession of two accused, two stolen motorcycles were recovered whereas from the possession of co-accused Arvind Kumar, one country made pistol and one live cartridge were recovered and from the possession of the petitioner, one country made pistol and one live cartridge were recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that no overt act has been alleged to have been committed by the petitioner and he is languishing in judicial custody since 08.04.2018. It is further submitted that one of the co-accused from whose possession stolen motorcycle was recovered has been granted the privilege of bail by a coordinate Bench of this Court. He submits that the petitioner is ready to cooperate in the investigation and will not tamper with the prosecution witnesses.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten



thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- XIII, Motihari, East Champaran in connection with Chakia P.S. Case No. 65 of 2018, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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