

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6799 of 2019

Arising Out of PS. Case No.-328 Year-2018 Thana- BAIRIYA District- West
Champanan

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Gaffar Ansari, Male, aged about 28 years, son of Molajim Ansari Resident
of Village-Thadwanandpur, P.S.- Bairiya, District - West Champanan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar No 7, Advocate.

For the Opposite Party: Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 06-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 414 of the Indian Penal Code registered in
connection with Bairiya P.S. Case No. 328 of 2018.

3. It is submitted that the petitioner has been falsely
implicated on the allegation of recovery of stolen motorcycle
from his house. It is submitted that as a matter of fact the
motorcycle in question was purchased on 28.08.2018 for
consideration from Saddam Ansari prior to the date of
occurrence on 02.09.2018 (Annexure-2). It is submitted that no
one has come forward with claim of stolen motorcycle. The
petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's



arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional 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, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 328 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(v) Provisional bail shall stand confirmed after verification of the claim of the petitioner that the motorcycle in



question had been purchased from Saddam Ansari on 28.08.2018 on payment for consideration of Rs. 44,000/-. In case, the petitioner's claim failed upon verification, the bail bond stands automatically cancelled.

(Vikash Jain, J)

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