

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22938 of 2019

Arising Out of PS. Case No.-960 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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MUMTAZ ALAM, aged about 20 years, Male, Son of Rustam Alam Resident
of Village- Sheorajpur, P.S.- Nautan, District- West Champaran
... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party : Mr. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
07.11.2018 in connection with Bettiah (T) P.S. Case No. 960 of
2018 for the offence alleged under Section 379 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that motorcycle, belonging to one Manoj Sharma, has been
stolen while parked near Shivam Nursing Home by two
miscreants, who had come in a scooty.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the first information
report and his name surfaced on the confessional statement of
co-accused, Vikas Kumar, and his own confessional statement
before the police, which has not evidentiary value in the eye of



law. He submits that charge sheet has already been submitted and is languishing in judicial custody since more than five months. He, further, submits that one of the co-accused, on whose confession the petitioner has been made accused, has been granted the privilege of bail by this Court in Cr. Misc. No. 19147 of 2019, dated 01.04.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that that the petitioner does not bear a clean antecedent and two more cases of similar nature are pending against him.

Considering the nature of allegations, the period of custody as well as the fact that the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bettiah (T) P.S. Case No. 960 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah, or the successor Court subject to the following conditions :

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

(ii) If the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move the
learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

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