

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25971 of 2019

Arising Out of PS. Case No.-66 Year-2018 Thana- NARKATIYAGANJ RAIL P.S. District-
West Champaran

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MAHTAB ALAM @ MEHTAB ALAM @ MAHITAB ALAM, aged 25
years, Male, Son of Shah Alam Resident of Village-Maula Nagar, P.S.-
Lauriya, District-West Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party : Mr. Anita Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2019 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
28.11.2018 in connection with Narkatiyaganj Rail P.S. Case No.
66 of 2018 for the offence alleged under Section 379 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had gone to see off his cousin brother to the station
in his uncle's motorcycle, after returning from the platform he
found his motorcycle stolen from the parking space.

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 during investigation on the
confessional statement of co-accused. It is, further, submitted
that the stolen motorcycle has not been recovered from his



possession and charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. It is, further, submitted that one of the co-accused also, whose name surfaced during investigation, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 16142 of 2019, dated 26.03.2019.

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

Considering the nature of allegations, the period of custody and that charge sheet has already 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 Narkatiyaganj Rail P.S. Case No. 66 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, Railway, 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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