

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18363 of 2020

Arising Out of PS. Case No.-374 Year-2019 Thana- PALASI District- Araria

MD. SADDAM, Son of Late Wasik, Resident of Village - Kamat, Ward
No.02, P.S.- Jokihat, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Naushad Uzzoha, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

The present application has been preferred with a
prayer for grant of bail in a case registered for the offences
punishable under Sections 413 and 414/34 of the Indian Penal
Code.

The prosecution case as per the written report of
Rakesh Kumar Singh, Assistant Sub-Inspector of Police Palasi
Police Station submitted before the S.H.O., Palasi Police
Station is to the effect that on 14.11.2019, during patrolling, a
secret information was received that some miscreants are
selling a stolen motorcycle, consequently, a raid was laid,



when the petitioner was apprehended from spot while other co-accused managed to escape from the scene. On being asked, the petitioner failed to produce any document of the vehicle in question.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion that the motorcycle is stolen one, the present case has been registered against the petitioner. The petitioner is languishing in custody since 15.11.2019 and the investigation has already been concluded. Moreover, co-accused Nadeem @ Md. Nadeem has been granted bail by a Co-ordinate bench of this Court vide order dated 05.02.2020, passed in Criminal Miscellaneous No. 7956 of 2020. It is further submitted that though the petitioner is accused in two other cases and in those cases, he has been granted bail, but no statement to that effect has been made in the petition.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the nature of accusation, the investigation already being concluded and the fact that similarly situated co-accused has been granted bail by a Co-ordinate bench of this Court, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 1st



ACJM, Araria, in connection with Palasi P.S. Case No. 374 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned 1st ACJM, Araria, in connection with Palasi P.S. Case No. 374 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

(Dinesh Kumar Singh, J)

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