

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20876 of 2020

Arising Out of PS. Case No.-153 Year-2019 Thana- ABADPUR District- Katihar

1. MD. SABIR S/o Satiur Rahman Resident of Village- Shivanandpur, P.S.- Abadpur, District- Katihar.
2. Satiur Rahman S/o Late Makbul Hussain Resident of Village- Shivanandpur, P.S.- Abadpur, District- Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner seeks bail in Abadpur. PS Case No. 153 of 2019 registered under Sections 341, 323, 504 and 353/34 of the IPC.

The case as per the prosecution story is that the police personnel were on way to Village Mathurapur. Three persons started fleeing on the motorcycle. They were stopped but failed to produce any document in respect of the motorcycle and were taken to the police station. The motorcycle was being carried by one constable separately. While on way, it is alleged that the motorcycle was taken away by certain persons from the Police Constable. The three apprehended persons namely Md. Sahil, Rehan and Md. Azam disclosed the identity of the persons who had taken away the



motorcycle from the Police Constable.

Learned Counsel for the petitioners submits that the allegation is false. The petitioner No. 1 is brother of accused Sahil who was arrested while moving on the motorcycle, and petitioner No. 2 is his father. Md. Sahil has been coerced in the police custody to name the instant petitioners, though they have no concern with the occurrence. In fact, petitioner No. 2 is bonafide purchaser of the motorcycle from one Meraj. There is no specific allegation of assault upon the Constable by either of the two petitioners. The petitioners have no criminal antecedent and are in custody since 27.2.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Katihar in Abadpur PS Case No. 153 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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