

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34121 of 2020**

Arising Out of PS. Case No.-176 Year-2020 Thana- MANIHARI District- Katihar

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Sheikh Jarif S/o Sheikh Amiruddin R/o Paharpur, P.s.- Amdabad, Distt.-
Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2020 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular bail in
connection with Manihari P.S. Case No. 176 of 2020 registered for
the offence punishable under Sections 413 and 414 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
informant while was indulged in vehicle checking, four persons
riding on one motorcycle started fleeing on seeing the Police but they
were caught when they fell down from the motorcycle. The
informant arrested them including the petitioner.

Learned counsel submits that on search no incriminating



article has been recovered from possession of the petitioner and the motorcycle in question belongs to co-accused Md. Sahil @ Shahid and at the relevant time they were not in possession of the valid documents. It is further submitted that the petitioner is in custody since 20.06.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that the motorcycle in question belongs to the co-accused Md. Sahil @ Shahid but at the relevant time he was unable to produce the papers, the petitioner cannot be said to be in possession of stolen motorcycle, he has no criminal antecedent and has remained in jail in connection with this case since 20.06.2020, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 176 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

