

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13030 of 2021**

Arising Out of PS. Case No.-54 Year-2020 Thana- KOTHIGRAM District- Gaya

SHARIQUE KHAN S/o JAHID KHAN Resident of Village- Pokhaha, P.S.-
Kothi, Distt- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Md. Sufyan, APP

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

2 17-06-2021 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 Mr. Md. Sufyan, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kothi P.S. Case No. 54 of 2020 registered for the offences punishable under Section 414 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, on 13.9.2020 at about 21.30 the informant received a secret information that some thieves are coming to sell stolen electric motor and then the informant along with other police officials reached at Village Minha-Pathra where he saw four persons coming with a white bag on cycle and on seeing the Police they tried



to escape but three of them were apprehended. The apprehended persons disclosed their names as Lalam Khan, Shahab Khan and Sharique Khan. One electric motor was also recovered at Village Pokhra near the house of Moin and accordingly seizure list was prepared.

Learned counsel submits that the petitioners are innocent and has falsely been implicated in the present case. It is further submitted that nothing incriminating article has been recovered from the conscious possession of this petitioner. The petitioner is in custody since 15.09.2020.

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 seizure of the electric motor is from a place near the house of one Moin Khan and there is no independent seizure list witness even as no co-villager has signed the seizure list, the petitioner has remained in jail since 15.09.2020, investigation against him is complete and in one case against him as stated in Paragraph-3 he is on bail, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class Sherghati Gaya in connection with Kothi P.S. Case No. 54 of 2020, subject to the conditions as laid down under Section



437(3) 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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 their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands 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'.

