

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19534 of 2021**

Arising Out of PS. Case No.-251 Year-2020 Thana- RAGHOPUR District- Supaul

MD. SAMSHER S/O MD. SULTAN R/o village- Nonpar, Ward No. 14,
Baisa, P.S.- Bhaptiyahi, District- Supaul

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms. Patla Kumari, Advocate
	:	Mr. Akhouri Vipin Bihari Shrivastava, Advocate
For the Opposite Party/s	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Raghapur P.S. Case No. 251 of 2020 registered for the offences punishable under Sections 413, 414/34 of the Indian Penal Code.

As per the prosecution story, on 10.10.2020 the informant while on patrolling duty received secret information that a person was standing near Petrol Pump, N.H. 57 with a stolen motorcycle. The informant along with his team reached at the said place and saw a person fleeing away but was eventually caught and disclosed his name as Md. Shamsheer and when interrogated

about papers of the motorcycle he could not give any satisfactory reply. He later on disclosed that co-accused Sushil Kumar and Tamanna had given him the said motorcycle to keep it with himself.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has no concern with the said stolen motorcycle rather the same was given to him by co-accused. Learned counsel submits that the petitioner is in custody in connection with this case since 11.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein one stolen motorcycle is said to have been recovered from the possession of the petitioner, he has otherwise no criminal antecedent and has remained in custody in connection with this case since 11.10.2020, investigation against him is complete but the trial is not likely to take place in near future, 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 A.C.J.M., Birpur, Supaul in connection with Raghapur P.S. Case No. 251 of

2020 subject to the condition 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 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 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. 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.

This application stands disposed of accordingly.

(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'.