

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20835 of 2021

Arising Out of PS. Case No.-65 Year-2018 Thana- MANIYARI District- Muzaffarpur

Jumman Mian @ Md. Jumman Mian @ Kankatwa, S/O Aklu Mian, R/O Village-Sarmaspur, P.S-Kanti, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 01-12-2021 The applicant/accused in Crime No. 65 of 2018 registered with Maniyari Police Station for the offence punishable under Section 414 of the Indian Penal Code by the first informant Nand Ji Dubey, Assistant Sub-Inspector, by this application is seeking his release on bail during the pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that though the applicant is having criminal antecedent, there is nothing to connect the applicant to the crime in question. It is further argued that the applicant is behind the bars from 31.08.2019. According to the learned counsel for the applicant on the basis of suspicion, the applicant is arrested.

Learned Additional Public Prosecutor opposed the application by contending that the FIR itself shows that in stolen vehicle, the applicant commits several offences.

I have considered the submissions so advanced and perused the material placed before me.



The charge levelled against the applicant is that of assisting or concealing the stolen property. First informant Nand Ji Dubey- the Assistant Sub-Inspector during the course of checking the vehicle found an Indigo vehicle bearing registration no. WB-20Z-0881. When that vehicle was stopped, the driver ran away and occupant named Akhilesh Kumar told that the person, who ran away is Jumman Mian @ Md. Jumman Mian @ Kankatwa – the present applicant. That is how the offence came to be registered on the basis of that necessary papers were not in the vehicle.

The offence punishable under Section 414 of the Indian Penal Code is punishable by imprisonment for three years. The applicant is behind the bars from 31.08.2019. The trial will take its own time to complete. Considering the nature of evidence against the applicant in the instance case, criminal antecedent pales into insignificance and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 65 of 2018 registered with Maniyari Police Station for the offence punishable under Section 414 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the



facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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