

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23646 of 2021**

Arising Out of PS. Case No.-374 Year-2020 Thana- CHANPATIA District- West Champaran

NEZAM MIAN @ NAZAM MIAN Son of Late Madin Mian Resident of
Village- Semra Parsa, P.S.- Chanpatia (Sarisiya O.P.), District- West
Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

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

2 02-09-2021 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.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Chanpatia (Sirisiya O.P.) P.S. Case No.
374 of 2020 registered for the offences punishable under
Sections 379, 411, 413, 414 of the Indian Penal Code.

As per the prosecution story, on 30.07.2020 at about
11:00 P.M. when the informant was sleeping 4-5 accused
persons came on two motorcycles and they closed the room of
the informant from outside and took away the motorcycle of the
informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that similarly situated co-accused has already been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 33698 of 2020. The petitioner is in custody since 31.07.2020.

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

Considering the facts and circumstances of the case wherein this petitioner has remained in custody in connection with this case for over one year and investigation against him is complete but the trial is not likely to take place in near future as also that the co-accused similarly situated has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 33698 of 2020 vide order dated 16.12.2020 (Annexure '2'), 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 Chief Judicial Magistrate, West Champaran, Bettiah in connection with Chanpatia (Sirisiya O.P.) P.S. Case No. 374 of 2020 and subject to the 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.

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'.