

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32760 of 2021**

Arising Out of PS. Case No.-458 Year-2020 Thana- JOKIHAT District- Araria

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AFTAB ALAM @ AFTAB, S/o Helaluddin @ Helal Resident of Village -
Mahalgaon, Ward No. -06, P.S. - Jokihat (Mahalgaon), Dist. - Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh- Advocate
For the Opposite Party/s : Ms. Madhuri Lata- A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 26-11-2021 Heard the learned Advocate for the petitioner and the

learned APP for the State through video conferencing.

The petitioner seeks bail in connection with Jokihat
(Mahalgaon) P. S. Case No.458 of 2020, instituted for the
offences under Sections 413, 414 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 25.12.2020 and charge-sheet has
been submitted in this case and petitioner has one antecedent.

The learned counsel for the petitioner further submits
that from perusal of the allegation as alleged in the F.I.R., it
would manifest that the informant alleges that while he along
with the police force reached Dumariya chowk, then one person
started fleeing, but was nabbed and on interrogation, he
disclosed that he had come to sell Pulsar motorcycle, but was



not able to produce any document relating to the same. Further disclosed that he kept another motorcycle near Bara bridge and the same was also recovered and the seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The recovery was from the chowk and nothing was recovered from the possession of this petitioner. Petitioner is in custody since 25.12.2020, charge-sheet has been submitted and there is clear violation of the provisions of Section 100 of the Cr.P.C. in preparing the seizure when the seizure is alleged to have been made at a public place.

Learned A.P.P. opposes the bail application and submits that petitioner has one antecedent also.

Considering the fact that the petitioner is in custody since 25.12.2020 and charge-sheet has been submitted in this case and petitioner has only one antecedent as pointed out by the learned counsel for the State, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Jokihat (Mahalgaon) P. S. Case No.458 of 2020, subject to condition that one of the bailors



shall be the father of the petitioner and after trial commences, if the petitioner fails to appear on two consecutive dates, the learned Court below shall be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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