

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3535 of 2021**

Arising Out of PS. Case No.-63 Year-2020 Thana- TERHAGACHH District- Kishanganj

MD RAKIM @ MD KARIM Son of Chamruddin Resident of Village- Jhala,
P.S.- Terhagachh, District- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Nityanand Tiwary, A.P.P.

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

2 13-04-2021 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 Terhagachh P.S. Case No. 63 of 2020 registered for the offences punishable under Section 414, 420/34 of the Indian Penal Code.

As per the prosecution story, the informant submitted a written report to the officer-in-charge of Terhagachh police station that Md. Rakim was selling duplicate diesel petrol, the informant reached to the place of occurrence with the police personnel and recovered 230 liters mixed diesel petrol from the house of the petitioner and 2200 liters has been recovered from



the vehicle.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and he is in custody since 25.06.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case and the submissions of learned counsel for the petitioner that the petitioner in the present case has been arrested on the allegation that 230 liters of mixed diesel were recovered from his house , however petitioner has remained in jail in connection with the present case for about 10 months, investigation against him is complete and further incarceration of the petitioner in jail is not likely to come in aid of investigation or prosecution, there being no statement on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond 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, Kishanganj, in connection with Terhagachh P.S. Case No. 63 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

