

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 397 of 2021**

Arising Out of PS. Case No.-713 Year-2020 Thana- FORBESGANJ District- Araria

1. MD HAROON S/o Mustafa Resident of Vill.- Jagta Kharsahi, P.S.- Raniganj, Distt.- Araria.
2. Md Shamim S/o Md Bullo @ Samsul Resident of Vill.- Bhargama, P.S.- Bhargama, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr Pancha Nand Pandit, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 09-03-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Forbesganj Police Station (for brevity, *PS*) Case No 713 of 2020 dated 24.08.2020 instituted for the offence punishable under Sections 411, 413, 414, 420, 467, 468, 471 of Indian Penal Code.

Upon the motorcycle being stolen, petitioner No 1's house has been raided based on some closed-circuit television footage and Call Detail Record. The police party have recovered four motorcycles from behind the house of petitioner No 1.

Learned counsel for the petitioners submits that the



recovery of the motorcycles has been made from behind petitioner No 1's house. Cash and documents were in his bona fide possession. Petitioners are in custody since 25.08.2020. As petitioner No 1 happens to be a mechanic, therefore, several keys and documents of the motorcycles have been found in his possession. In respect of petitioner No 2, it is submitted that being brother-in-law of petitioner No 1, he was visiting his house and has, thus, become victim of the circumstances.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in Forbesganj PS Case No 713 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their



bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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