

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7089 of 2021**

Arising Out of PS. Case No.-164 Year-2020 Thana- SUGAULI District- East Champaran

SAMDIN MIAN @ SAIMUDDIN MIAN S/O LATE IDU MIAN Resident
Of Village - Kauwaha, P.S.- Sugauli, District - East Champaran
... .. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Amit Narayan,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

3 27-04-2021 Learned counsel for the petitioner has submitted that he has filed a supplementary affidavit clearly stating criminal antecedents of the petitioner. According to him, the petitioner has got clean antecedent.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sugauli P.S. Case No. 164 of 2020 registered for the offences punishable under Sections 414, 467, 468 &34 of the Indian Penal Code.

Learned counsel for the petitioner submits that on secret informant the informant raided the house of one Shivakant Kumar and on search two motorcycles were recovered and one of them was stolen one.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery from the possession of the petitioner. The petitioner is in jail since 28.06.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case and upon noticing the nature of the allegations made against the petitioner, he has remained in custody since 28.06.2020, investigation against him



is complete and the co-accused Shivakant Kumar has already been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 29835 of 2020, let the petitioner 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, East Champaran, Motihari in connection with Sugauli P.S. Case No. 164 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

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'.

