

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4476 of 2022**

Arising Out of PS. Case No.-256 Year-2021 Thana- CHOUTARWA District- West
Champan

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Saheb Mian Son of Akbar Mian R/O Village- Mahabirpur, P.S.- Jogapatti,
District- West Champan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate
For the State : Mr. Navin Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 17-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Chautarwa P.S. Case No. 256 of 2021 registered for the offence

under Sections 457, 380, 413, 414 and 34 of the Indian Penal

Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 14.08.2021.

The allegation against the petitioner is to commit theft

and also to have in possession of stolen property and also to be

involved in concealment of such property.

Learned counsel appearing on behalf of the petitioner

submitted that petitioner has been falsely implicated in this case



under wrong impression. It is submitted that petitioner is the owner of the seized motorcycle, as it was purchased from one Bhola Pandey, much prior to this occurrence and this fact is also surfaced during the course of investigation, as mentioned in paragraph no. 44 of the case diary. It is further pointed out that petitioner is involved in one more criminal case, where he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as the motorcycle, which was alleged to be stolen, appears to be purchased much prior to this occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chautarwa P.S. Case No. 256 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 1st, Bagaha, West Champaran, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Mahmud Miyan, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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