

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13341 of 2022**

Arising Out of PS. Case No.-957 Year-2021 Thana- SITAMARHI District- Sitamarhi

MD. MASOOM, Son of Md. Yaseen, Resident of Village - Makia, P.O.-
Shivnagar, P.s.- Benipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 14-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 30.11.2021, seeks
regular bail in connection with Sitamarhi P.S. Case No. 957 of
2021 registered for offences punishable under Section 414 of the
Indian Penal Code.

Prosecution story in brief is that the petitioner was
apprehended allegedly along with one stolen vehicle bearing
Registration No. BR07PB 4878.

Learned counsel appearing on behalf of the petitioner
submits that the vehicle which was driven by the petitioner was
not stolen, in fact, the petitioner was accompanying the owner



of the vehicle who had managed to flee away from the place of occurrence in want of any valid document available with him. It is specific case of the petitioner that petitioner and owner of the vehicle are known to each other. No case of theft has been lodged by the owner of the vehicle. The petitioner has been apprehended in this case simply because relevant documents relating to the vehicle and the driving license were not produced at the time of checking of the vehicle. The vehicle has already been handed over to the owner of the vehicle, who has accepted it without any allegation of alleged theft to have been committed by the present petitioner.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the specific statement made by the petitioner that petitioner and owner of the vehicle are in good terms. After recovery of the vehicle or before the alleged theft of the vehicle, no case was lodged by the owner of the vehicle. The petitioner has remained in custody since 30.11.2021. Prima facie petitioner has made out a case to be released on bail.

The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Sitamarhi P.S. Case No. 957 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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