

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29528 of 2021**

Arising Out of PS. Case No.-810 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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AHSHAN MIAN Son of Late Bhukhal Mian Resident of Mohalla -
Naurangabag, P.S. - Bettiah Town, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 29-01-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Bettiah Town P.S. Case No. 810 of 2020 registered for the
offence under Sections 461, 379, 411, 413 and 414 of the
Indian Penal Code.

The case relates to theft committed in the shop of
the informant from where 66 pieces of smart phones worth
Rs. 7,70,000/- along with accessories worth Rs. 50,000/- has
been stolen.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. In fact,



the petitioner has not been named in the F.I.R. but on the basis of confessional statement of the co-accused, namely, Noor Mohammad and Vikash Kumar, name of this petitioner has surfaced in this case. Nothing incriminating or stolen article as alleged in the F.I.R. has been recovered from the house or conscious possession of the petitioner. Save and except confession of the co-accused, no cogent material has come against the petitioner. The petitioner is rotting in judicial custody since 22.12.2020.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 810 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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