

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19874 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

=====

Nizamuddin Son of Jahruddin Miyan @ Zaharudin Miyan Resident of Village
- Pakari, P.S.- Dumariyaghat, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Abhishek Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Dumariyaghat P.S. Case No. 12 of 2022
registered for the offences punishable under Sections 414, 420,
467, 468, 379/34, 120(B) of the Indian Penal Code.

As per prosecution case, it is alleged that six F.I.R.
named accused persons including the petitioners after
committing theft of a truck laden with sugar bag brought in the
village and were trying to sell it to other traders. The police
conducted raid and different number of bags of sugar were
recovered from various persons including this petitioner and on



search being made total 5 bags of Sugar was recovered from the possession of the petitioner, which is alleged to have been purchased on price.

It is submitted by the learned counsel appearing on behalf of the petitioner that prima-facie from the F.I.R., it is evident that there is allegation of theft of Sugar bags against this petitioner but the alleged truck was not recovered from his possession, rather only 5 bags of sugar has been recovered from his possession, which was purchased on price from the market. It is next submitted a general and vague allegation of theft has been levelled against all the co-accused persons. It is also submitted that this petitioner purchased the said Sugar from a valid vendor It is next submitted that save and except suspicion, there is nothing against this petitioner and he is in custody since 20.01.2022 having one criminal antecedent, though the investigation of the crime is already completed and the charge sheet has been submitted in this case.

On the other hand, learned APP for the State opposes the bail application and submits that stolen sugar bags have been recovered from the possession of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of allegation



as also the period of custody, apart from the fact the investigation of crime is already completed and the charge sheet has already been submitted in this case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 12 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

mdrashid/-

U		T	
---	--	---	--

