

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31224 of 2021**

Arising Out of PS. Case No.-424 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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ISHLAM ANSARI @ ISHLAM MIAN@ ISHLAM S/o Mobarak Miyan @
Mobarak Ansari Resident of Village- Jamuniya Babu Tola, P.S.- Jagdishpur,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Anil Kumar

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

4 08-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Bettiah Town
P.S. Case No. 424/ 2019 registered for the offences punishable
under Section 379 of the IPC.

The FIR of the occurrence of theft of motorcycle is
against unknown.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and he has falsely been



implicated in the present case only on the basis of confessional statement of co-accused Arbaz Alam given before the police in connection with Bettiah Town P.S. Case No. 325/ 2019. He further submits that nothing has been recovered from conscious possession of the petitioner and police after investigation submitted charge sheet against the petitioner. Petitioner is in custody since 13.01.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail on the ground that petitioner carries nine criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 424/ 2019, subject to 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 absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled 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.

3. 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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