

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27769 of 2022

Arising Out of PS. Case No.-637 Year-2021 Thana- ARARIA District- Araria

FAISAL MURTAZA @ FAISAL S/o Murtaza @ Mohammad Murtaza R/o
village- Bagdahra, Ward No. 10, PS.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Araria P.S. Case No. 637 of 2021 for the offences under
Sections 413 and 414/34 of the Indian Penal Code.

As per the FIR, it is alleged that police officer got
information that the wanted accused/petitioner herein in his
confessional statement had disclosed the name of Albadar and
Jamshed, who all have committed theft of red colour motorcycle
from Ashram Road, Araria and handed it over to accused, Md.
Belal for selling it out. On enquiry, Md. Belal disclosed that the
petitioner and co-accuseds Albadar and Jamshed had parked



the stolen motorcycle at his shop and with the help of co-accused Md. Raja and Sahnawaz, the same was sold to Md. Jalal. Accordingly, the accused persons were arrested.

Learned counsel for the petitioner submits that he has been implicated in this case only because he has criminal antecedent although nothing has been recovered from his conscious possession and any confessional statement made before the police has nothing to do in the said matters.

Taking into account the fact that the petitioner is in custody since 28.08.2021 (as stated in paragraph-11 of the bail application) charge sheet stands submitted but he has criminal antecedent, this Court is inclined to grant him the privilege of bail after framing of charge.

Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 637 of 2021, subject to the following conditions:-

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month till the conclusion of the trial to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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