

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29640 of 2022

Arising Out of PS. Case No.-667 Year-2021 Thana- KHAJANCHI HAT District- Purnia

1. Md. Haidar, S/o Md. Aslam Resident of village - Maheshpur, P.S.- Piar (Hatya O.P.), District- Muzaffarpur.
2. Md. Kadrey Alam S/o Fakir Mohammad R/o Village- Ratwara, P.S.- Piar Hatya, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopesh Raj, Advocate.
		Ms. Kanchan Kumari, Advocate.
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-08-2022 Heard Mr. Gopesh Raj, learned counsel along with Ms. Kanchan Kumari, learned counsel appearing on behalf of the petitioners and Mr. Ram Anurag Singh, learned A.P.P. for the State.

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

The petitioners seek regular bail in connection with K. Hat (Maranga) P.S. Case No. 667 of 2021 for the offence punishable under Sections 413, 414, 420, 467, 468 and 471/34 of the Indian Penal Code.

The prosecution story, in brief, is that the petitioners



along with his elder brother Md. Ali @ Raza operates an organized gang and commit theft of four wheelers in different States. They conceal the identity of the stolen vehicle and generate fake I-smart registration number of the vehicle by changing the chassis number as well as the engine number of the vehicle. On the alleged date of occurrence, the petitioners were found with Scorpio Vehicle bearing Registration No. BR-06PC-6427 having chassis number MA1TA2SJXF2E35898 and Engine Number SJF4E13033.

Learned counsel appearing on behalf of the petitioners submits that the main accused is the elder brother of petitioner no.1 namely Md. Ali @ Raza, who is involved in an organized sale and purchase of stolen vehicles from inside the State as well as throughout the country. The offence as alleged has been committed by his elder brother and the petitioners were found driving the vehicle bearing Registration No. BR06PC6427 at the instance of his elder brother to deliver the said vehicle to some other prospecting purchaser, but before the same could have been delivered, the petitioners were apprehended and were implicated in the present case. The petitioners were also made accused in four other cases for being engaged in sale and purchase of stolen vehicle. Learned counsel has made specific



submission on behalf of the petitioners that the petitioners are aged about only 22 and 24 years and they have a bright career and due to the alleged criminal act done by his elder brother, they may not further remain in custody. Learned counsel further submits that the petitioners are ready to undertake and execute a bond before the court below that they will not involve in future in any criminal act and specially will not engage in sale and purchase of any of the vehicle. They also undertake to disclose the names of the members of the gang.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners.

Considering the specific undertaking made on behalf of the petitioners, petitioners are directed to execute a bond as stated before this Court in above paragraph. If such undertaking and bond of Rs.10 lacs each is furnished on behalf of the petitioners above named before the court below along with bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount to the satisfaction of the learned Additional Sessions Judge-X, Purnea in connection with K. Hat (Maranga), Purnea P.S. Case No. 667 of 2021, the petitioners are directed to be released on bail subject to the following conditions:-



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

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

(3) If the petitioners tamper 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 petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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