

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41923 of 2021**

Arising Out of PS. Case No.-16 Year-2020 Thana- NARPATGANJ District- Araria

MD ASHFAQUE @ MD ASFAQUE Son of Md. Belal Resident of Village -
Sawalda Majhua, Ward No. 05, P.S. - Narpatganj, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 24-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 23.01.2021, seeks
regular bail in connection with Narpatganj P.S. Case No. 16 of
2020 registered for offences punishable under Sections 413, 414
and 420/34 of the Indian Penal Code.

Prosecution case, in brief, is that earlier to the present
case, the petitioner is involved in loot of motorcycle and the
present F.I.R. has also been lodged against the petitioner for loot
of one motorcycle bearing Registration No. BR10BR10/8037.
The registration number of the said motorcycle was tampered,



changed and forged No. BR43M-1611. The said motorcycle was recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case simply because he has also been made accused with respect to the theft of one another motorcycle bearing Registration No. BR38R-1326 relating to Narpatganj P.S. Case No. 11 of 2020 in which he has already been enlarged on bail and in the present case the petitioner is in custody since 23.01.2021 due to previous enmity.

Learned A.P.P., however, opposes the prayer for bail.

Considering the facts and circumstances of the case and specific submission of the petitioner's counsel that petitioner has been roped in the present case due to previous enmity, there is no allegation of tampering the evidence or influencing the witnesses and there is no likelihood of trial being concluded soon due to COVID-19, the petitioner above named is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 16 of 2020 subject to the following conditions:



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

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

(iii) If the petitioner tampers 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 petitioner.

(Purnendu Singh, J)

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