

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34349 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- SIKTI District- Araria

MD. WARISH @ MD. VARISH S/o Late Hasib @ Md. Hasib R/o village-
Kasaila, Ward No. 03, P.S.- Araria (Madanpur), District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

The case is registered under section 379 of the
Indian Penal Code, in connection with Sikty (Bardaha) P.S. Case
No. 24 of 2022.

As per the prosecution story, it is alleged that on
7.1.2022, the motorcycle of the husband of the informant was
stolen by unknown thief.

Counsel for the petitioner submits that for the said
occurrence dated 7.1.2022, the FIR was lodged on 1.2.2022 and
accordingly on 2.2.2022, he has been taken into custody.

Learned APP on the other submits that in between



the theft of the motorcycle, he came into custody as also the allegation against him is of committing another crime on 31.1.2022 and as such his role cannot be ignored in the matter. He further points out through the observation of the learned Sessions Judge to show that they were caught with the stolen bike which was identified by the informant by engine number and chassis number as the registration number was removed and in this background, the FIR was lodged on 1.2.2022.

Taking into the fact he is in custody since 2.2.2022 (as stated in para-11 of the bail application), the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail after framing of the charges in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Sikty (Bardaha) P.S. Case No. 24 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members 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 fortnight for next six months 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)

Ravi/Ajay Singh

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

