

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43711 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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Md. Nasruddin @ Kirwani S/O Abdul Kaiyam R/O Village-Khairi Banka,
P.S- Bisfi (Aunsi O.P.), District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms.Shama Sinha, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Madhubani (Town) P.S. Case No. 02 of 2021
registered for the offences punishable under Sections
401/379/413/414/420/467/468/471 of the Indian Penal Code. He
is in custody since 02.01.2021 having five criminal antecedents
as stated in paragraph '3' of the application.

As per the prosecution story, while the informant got
information that near the gate of R.K. College, Madhubani some
people caught one person who was trying to start the motorcycle



by opening with other key. Thereafter the informant reached there and apprehended that person who disclosed that he and others are involved in motorcycle theft, he also disclosed the name of the petitioner and other accused persons. The petitioner disclosed that one Apache Motorcycle was given to him by Md. Chand to sell and accordingly he sold the motorcycle on payment of Rs. 12,000/-.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the similarly situated co-accused have been granted bail in Cr. Misc. No. 26274/2021 and Cr. Misc. No. 28793/2021, however petitioner is in custody since 02.01.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the co-accused similarly situated has been granted bail in Cr. Misc. No. 26274/2021 and Cr. Misc. No. 28793/2021 and in connection with this case the petitioner has remained in custody since 02.01.2021, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M.



Madhubani in connection with Madhubani (Town) P.S. Case No. 2 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And, considering the kind of criminal antecedents of the petitioner, further condition that till conclusion of trial of the present case, the petitioner shall mark his attendance at least once in every two months before the S.H.O. of Bisfi (Aunsi O.P.) under Madhubani Town Police Station, District – Madhubani and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Madhubani Town Police Station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

Let a copy of this order be sent to the Superintendent of Police, Madhubani for recording necessary compliances.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

