

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33800 of 2022

Arising Out of PS. Case No.-252 Year-2022 Thana- TURKAULIYA District- East
Champaran

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Safroj Alam @ Sarfroz Alam S/o Raj Mohammad Miya R/o village-
Bakhriya, Ward No. 14, P.S.- Majhouliya, District- West Champaran
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate.

For the Opposite Party/s : Mr.Rabindra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Mr. Nafisuzzoha learned counsel for the petitioner and

Mr. Rabindra Kumar, learned APP for the State are present.

Petitioner seeks regular bail in connection with

Tarkauliya P.S. case no. 252 of 2022 registered for the offences

punishable under Sections 413, 414 and 34 of the Indian Penal

Code.

Allegedly on seeing the police party, this petitioner and

co-accused who stood near a motorcycle at that time made an

attempt to flee but the petitioner was apprehended at the spot and

co-accused managed to flee away and on interrogation the

petitioner accepted that the alleged motorcycle which was

recovered at the spot was a stolen motorcycle and the same was



brought here for the purpose of selling and from possession of petitioner a master key and a mobile phone were also recovered.

The main submissions advanced by Mr. Nafisuzzoha learned counsel for the petitioner are that the petitioner has been languishing in jail since 16.03.2022 and he has a clean antecedent and at the time of his arrest he came at that place to meet his relatives and at that time he was crossing the road but in the meantime the police arrived there and arrested him in misunderstanding.

Mr. Rabindra Kumar, learned APP has opposed the prayer for bail.

Heard both the sides and perused the FIR. As per the statement made in paragraph 3 of this petition, the petitioner has clean antecedent and he has been languishing in jail since 16.03.2022 and the alleged offences are triable by the magisterial court and petitioner's case appears to be at initial stage. Considering these facts as well as above submissions, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Turkauliya P.S. case No. 252 of 2022 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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