

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34533 of 2022

Arising Out of PS. Case No.-264 Year-2022 Thana- ARARIA District- Araria

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RAGIB ALAM Son of Jainuddin Resident of Village - Palasi (Miyapur),
Police Station- Palasi, District - Araria (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Araria
(Bairgachhi) P.S. Case No. 264 of 2022 registered for the
offences punishable under Sections 379, 411, 413, 414, 120B of
the Indian Penal Code and the police has submitted charge-sheet
under Section 413, 414/34 of the I.P.C.

As per prosecution case, informant along-with police
force was on patrolling duty it was communicated that stolen
motorcycle has been kept and it is stated that the stolen
motorcycle belongs to Abul Khair in this connection Bairgachhi
P.S. Case No. 105/2022 has been registered and said motorcycle



has been used by Ragib Alam as he has been apprehended. The informant inquired the accused Ragib Alam (who is the petitioner here) then Ragib replied that motorcycle was provided to him by Md. Naushad and Imtiyaz prior to one and half month. On account of such information police reached with the present petitioner at the house of Md. Naushad, who also disclosed that they handed-over the stolen motorcycle to Sanjiv alias Sanjeer. Thereafter, police recovered the motorcycle.

Learned counsel for the petitioner submits that petitioner is in custody since 02.04.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner was not aware that the recovered motorcycle is stolen property and he has purchased the said motorcycle from co-accused Md. Naushad.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view the clean antecedent of the petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution



evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria (Bairgachhi) P.S. Case No. 264 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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