

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43391 of 2021**

Arising Out of PS. Case No.-96 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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Lal Mohammad @ Anil Miya Son Of Alijan Mian Resident Of Village -
Tuniya Chhota, P.S.- Manuapul, Dist.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

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

3 23-03-2022 Heard learned counsel for the petitioner and Mr.

Ashok Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bettiah (Town) P.S. Case No. 96 of 2021 registered for the offences punishable under Sections 413, 414/34 of the Indian Penal Code and Sections 25(1-b)a, 26 of the Arms Act. He has three criminal antecedents and has remained in custody since 11.02.2021.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got secret information that two suspicious persons were sitting near Rajdevri Sarvoday School on a motorcycle to commit some offence. On this information, the informant reached there and on seeing the police party two persons tried to flee but got apprehended.



Apprehended accused persons disclosed their names as Lal Mohammad @ Anil Miya (this petitioner) and Mojahid Miya and on search of the person of this petitioner one country-made pistol loaded with one cartridge was recovered and one master key from the pocket of Mojahid Miya. On the confessional statement of the petitioner, two motorcycles were recovered from his house and two other motorcycles have been recovered from possession of two accused.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that co-accused similarly situated have already been granted bail by learned Co-ordinate Benches of this Court. The petitioner is in custody since 11.02.2021.

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

Having regard to the submission that from possession of the petitioner allegedly one country-made pistol loaded with one cartridge was recovered and then on the basis of his confessional statement two stolen motorcycles were recovered from his house and two other motorcycles have been recovered from possession of the two accused but the petitioner is in custody in connection with this case for over one year and the



co-accused similarly situated, namely, Brij Kumar @ Brij Kumar Chaudhary and Mahanth Mahto @ Mahanth Mahato have been granted bail by learned Co-ordinate Benches in Cr. Misc. No. 40701 of 2021 and Cr. Misc. No. 39213 of 2021 respectively, this Court directs release of the petitioner above name 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., Bettiah, West Champaran in connection with Bettiah (Town) P.S. Case No. 96 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And considering the nature of the criminal antecedents of the petitioner and his repeated indulgence in the similar kind of offence, this Court directs that till conclusion of the trial in the present case the petitioner shall attend the concerned police station, namely, P.S.-Manuapul in the District of West Champaran once in every two months, his attendance shall be recorded by the S.H.O. of Manuapul Police Station. The petitioner shall keep on furnishing complete information with regard to his whereabouts during course of trial and default on this account shall lead to an action towards cancellation of bail of the petitioner.



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 steps 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.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

