

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45012 of 2021**

Arising Out of PS. Case No.-37 Year-2021 Thana- BAHADURGANJ District- Kishanganj

MD ANWAR ANSARI @ ANWAR ANSARI Son of Nausad Ansari Resident
of Village- Balubari, P.S.- Dighalbank, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 11-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 10.02.2021,
seeks regular bail in connection with Bahadurganj P.S. Case No.
37 of 2021 for the offence punishable under Sections 419, 420,
467, 468, 413 and 414 of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner is
said to have indulged in sale of stolen motorcycles and three
motorcycles were recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that though the allegation is of recovery of stolen motorcycles from the house of the petitioner, but the said house is joint house and petitioner has no concern with those motorcycles. Petitioner has neither forged any document nor cheated any person. Nothing has been recovered from conscious possession of the petitioner. Charge sheet has already been submitted against the petitioner. Petitioner is in custody since 10.02.2021. He further submits that other similarly situated co-accused namely Obedur Rahman has already been granted regular bail vide order dated 16.09.2021 passed in Cr. Misc. No. 36590 of 2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that the petitioner was apprehended while he was found involved in a deal to sell the stolen motorcycle. Hence he is not entitled to be released on bail.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner as under trial prisoner, there is no chance of completion of trial soon due to COVID-19 and similarly situated co-accused has already been granted bail by a co-ordinate Bench of this Court



vide order dated 16.09.2021 passed in Cr. Misc. No. 36590 of 2021, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No. 37 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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