

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 47560 of 2021**

Arising Out of PS. Case No.-382 Year-2020 Thana- JOKIHAT District- Araria

MD MERAJ S/O AFZAL R/o village- Masuriya, P.S.- Jokihat (Mahalgaon O.P.), District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr Md Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 10-03-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar.

The petitioner seeks bail in Jokihat Police Station (for brevity, PS) Case No 382 of 2020 (GR No 3779 of 2020) instituted for the offence punishable under Sections 413, 414 of Indian Penal Code.

Referring to the First Information Report, copy of which has been attached, it is submitted by the petitioner's counsel that the police has recovered a motorcycle, without a number plate believing it to be a stolen one, from the house of co-accused Imran. The petitioner's implication is upon confessional statement of the said co-accused, based on



extraneous considerations and having regard to his two criminal antecedents of similar nature, which are also based on falsehood. There is no recovery of any incriminating material from the petitioner. He has not been put on Test Identification Parade and he is in custody since 16.10.2020. Investigation is complete. There is no allegation of tampering the evidence.

The learned APP has opposed the prayer for bail.

Having regard to the submissions, the fact that no recovery is alleged against the petitioner and implication is based on confessional statement of co-accused, this Court is inclined to enlarge the petitioner on bail.

Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in Jokihat (Mahalgaon OP) PS Case No 382 of 2020 (GR No 3779 of 2020) subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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