

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38289 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- SASARAM NAGAR District- Rohtas

Md. Shahnawaj @ Saufali Son of Md. Kamru Resident of Vilalge- Mugalpura
@ Mogalpura, P.S.- Sasaram (T), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate
For the State : Mr. Kanhiya Kishore, APP 100

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sasaram
(T) P.S. Case No. 130 of 2022 registered for the offence under
Sections 413 of 414 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.02.2022.

The allegation against the petitioner is to deal in
stolen property and, as such, found in possession of two
motorcycles, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged motorcycle was taken by the
petitioner from one, Nadeem Alam for hospitalization purpose



of his father. It is further submitted that petitioner is a man of clean antecedent and, as such, the allegation regarding habitual offender is not appearing sustainable, *prima facie*. It is also submitted that similarly situated co-accused person, namely, Shahjad @ Miya has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 37563 of 2022 dated 29.09.2022. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above and also by taking note of nature of accusation, where petitioner is in custody since 17.02.2022 coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sasaram (T) P.S. Case No. 130 of 2022 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, Sasaram/concerned Court, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Md. Kamru, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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