

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39084 of 2022**

Arising Out of PS. Case No.-141 Year-2022 Thana- TURKAULIYA District- East
Champaran

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JIKRULLAH ANSARI @JIKRULLA ANSARI S/O NABIJAN ANSARI
Resident of Village- Chailaha Mauje, P.S.- Banjariya, District- East
Champaran at Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Arun Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 15-11-2022 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

Turkauliya (Banjariya) P.S. Case No. 141 of 2022 registered for

the offences punishable under Section 392 of the Indian Penal

Code.

As per prosecution case, informant's motorcycle

was snatched by two unknown persons and the informant claims

to identify the miscreants.

Learned counsel for the petitioner submits that

petitioner is not named in the FIR and during course of



investigation said motorcycle was recovered from possession of the petitioner. Petitioner is in custody since 18.02.2022 and bears criminal antecedent of two cases. He further submits that recovery of alleged motorcycle from possession of the petitioner is just a trap by the police. Petitioner is quite innocent and has falsely been implicated in this case. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner by stating that motorcycle in question was recovered from possession of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides 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, Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No. 141 of 2022, G.R. Case No. 763/2022, 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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