

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39095 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- HARLAKHI District- Madhubani

1. NAZIM @ MD. NAZIM SON OF SRI ASHLAM NADAF R/O VILLAGE- BETA PARSA, P.S.- HARLAKHI, DISTRICT- MADHUBANI
2. DILKASH NADAF SON OF JAHIR NADAF R/O VILLAGE- BETA PARSA, P.S.- HARLAKHI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagandeo Yadav, Adv. Mr.Ravi Prakash, Adv. Mr.Vinod Kumar, Adv.
For the Opposite Party/s	:	Mr.APP.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-11-2022 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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Harlakhi P.S. Case No. 49 of 2022 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code.

As per prosecution case, informant's motorcycle was not found at the place where he had parked his motorcycle. It is alleged that the petitioners were allegedly found with the motorcycle in question and they were apprehended with the said motorcycle.



Learned counsel for the petitioners submits that petitioners are in custody since 21.02.2022 and bear no criminal antecedent. He further submits that petitioners have no concern with the stolen motorcycle. He further submits that it was matter of overtaking of bike between the informant and petitioners and due to that hot exchange of words took place between them resulting false implication of the petitioners in the present case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Benipatti, Madhubani in connection with Harlakhi P.S. Case No. 49 of 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) Petitioners 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 petitioners tamper 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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