

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40423 of 2022**

Arising Out of PS. Case No.-264 Year-2022 Thana- ARARIA District- Araria

MD. NAUSHAD @ NAUSHAD Son of Jainul Resident of Village- Manikpur
ward no. 7, police Station- Araria (Bairgachhi), District- Araria ... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 379, 411, 413,
and 120B of the Indian Penal Code, in connection with Araria
(Bairgachhi) P.S. Case No. 264 of 2022.

As per the prosecution story, the police force on
patrolling duty got information that an accused has been caught
with stolen motorcycle. It was Ragib Alam was arrested and on
his confession, the house of the petitioner was raided and two
stolen motorcycles were recovered/seized and after confession
made by the petitioner other motorcycles were also recovered
from other accused persons including Sanjiv @ Sanjeer.

Accordingly, the FIR was lodged and the petitioner
was taken into custody.



Learned counsel for the petitioner submits that the same was kept by the accused persons in his court yard and he did not had any knowledge of the same being stolen one. He submits that for the same he has already suffered by being in custody since 2.4.2022 and if enlarged on bail, he not only will reform himself but he is ready to abide by all terms and conditions even he will move out of the district if so warrants.

Taking into account the aforesaid facts that his name has come in the confessional statement of Ragib Alam, the recovery is from the common court yard, he is in custody since 2.4.2022 as also the fact that charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail subject to the strict condition in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Araria (Bairgachhi) P.S. Case No. 264 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall leave his/her district for a period of three months(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (where he/she will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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