

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40405 of 2022

Arising Out of PS. Case No.-273 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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TABREJ ALAM Son of Bhola Miyan R/O village- Jaukatiya, P.S.-
Majhauilya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Ramchandra Singh, APP

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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 and 411
of the Indian Penal Code, in connection with Bettiah Town P.S.
Case No. 273 of 2022.

As per the prosecution story, when the petitioner
was purchasing sweets after parking his motorcycle, the accused
persons tried to flee away with his vehicle. He saw and raised
'hulla'. Although, one of the accused managed to escape, the
petitioner herein was caught red handed. The motorcycle was
recovered, FIR lodged and he was taken into judicial custody.



Learned counsel for the petitioner submits that the informant had parked his motorcycle in the wrong way causing traffic jam and he only wanted to remove it and park on the right direction but the informant caught him suspecting to be a thief and for the alleged act, he has already suffered by being in custody since 17.4.2022 (as stated in para-13 of the bail application) despite the fact that he do not have any criminal antecedent.

Taking into account the aforesaid facts that he is in custody since 17.4.2022, has no criminal antecedent and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

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, Bettiah, West Champaran, in connection with Bettiah Town P.S. Case No. 273 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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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