

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55491 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- KANHHAULI District- Sitamarhi

Naushad Alam @ Md. Naushad Ansari @ Chhote Ansari S/O Safir Ansari @
Musafir Ansari R/O Village-Nocha, P.S-Bela, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate.

For the Opposite Party/s : Mr. Raj Kishore Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application has been filed for grant of regular bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Kanhauli P. S. Case No. 55 of 2021 registered for the offences punishable under Sections 413 and 414/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on a secret information that sale was scheduled for stolen motorcycles, the Police conducted raid, seeing the Police party 3-4 persons tried to flee but the Police apprehended this



petitioner from the spot. It is further alleged that the Police seized total five motorcycles from the street, in front of the petitioner's house.

It is submitted by the learned counsel for the petitioner that even as per the F.I.R., the allegation is that the motorcycles were brought by co-accused Anish Shah, who fled away from the spot. Further the motorcycles which have been shown to be recovered have been recovered from a street in front of the petitioner's house. It is next submitted that except suspicion, there is no substantive F.I.R./complaint with regard to theft of the vehicles which have been recovered. It is lastly submitted that this petitioner has no criminal antecedent and is in custody since 19.04.2021.

On the other hand, learned APP for the State opposes the bail application of this petitioner and submitted that five stolen motorcycles have been recovered from the possession of this petitioner.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that the recovery has been shown to be made from a street in front of the petitioner's house, apart from the fact that this petitioner having no criminal antecedent, is in custody since 19.04.2021 and the



investigation has already been completed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate I/c, Sitamarhi in connection with Kanhauli P. S. Case No. 55 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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