

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42786 of 2022

Arising Out of PS. Case No.-381 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

MD. JAVED S/o Md. Shaukat R/o Mohalla- Chandwara Soda Godown, Chhit
Bhagwatipur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mrs.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-11-2022 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
Muzaffarpur Town P.S. Case No. 381/2022 registered for the
offences punishable under Sections 401, 413, 414 and 120(B) of
the Indian Penal Code.

As per prosecution case, the informant got secret
information that a gang who are indulged in stealing
motorcycle have been seen. The informant with other police
official reached on the place of occurrence and after seeing the
police force, six persons on three motorcycles started to flee
away but four persons including petitioner have been
apprehended and two persons have been succeeded to escape



from there.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion. The petitioner is languishing in custody since 01.05.2022 and bears no criminal antecedent. No stolen motorcycle has been recovered from the conscious possession of the petitioner. As per FIR, it is evidently clear that from the possession of the petitioner, there is no recovery of any motorcycle rather two motorcycles were recovered from the so-called possession of four apprehended persons including the petitioner. He further submits that there is no compliance of Section 100 Cr.P.C. The petitioner is neither indulged in the commission of theft of motorcycle or its sale and purchase nor the petitioner has any concerned with the gang of motorcycle theft. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, as



submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 381/2022, 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)

amitkumar/-

U		T	
---	--	---	--

