

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44988 of 2022

Arising Out of PS. Case No.-459 Year-2020 Thana- JOKIHAT District- Araria

MD. KHUDDAM SON OF AKBAL @ MD. AKBAL HUSSAIN R/O
KELABARI, P.S.- MAHALGAON (JOKIHAT), DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Kumar

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 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 Jokihat(Mahalgaon) P.S. Case No. 459 of 2020
corresponding to G.R. No. 4454 of 2020 registered for the
offences punishable under Sections 379 and 411 of the Indian
Penal Code.

As per prosecution case, petitioner alongwith co-
accused Md. Manjar was opening the tank and wheel of stolen
motorcycle of informant in his garage. On seeing the police
petitioner succeeded in fleeing away and co-accused Md.
Manjar caught red handed with stolen motorcycle.



Learned counsel for the petitioner submits that petitioner is in custody since 22.07.2021 and bears criminal antecedent of four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on spot. Nothing has been recovered from conscious possession of the petitioner. Petitioner is quite innocent and falsely implicated in the case.

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, petitioner is not apprehended on spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Araria in connection with Jokihat(Mahalgaon) P.S. Case No. 459 of 2021 corresponding to G.R. No. 4454 of 2021, 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)

vashudha/-

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