

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46042 of 2022

Arising Out of PS. Case No.-186 Year-2022 Thana- PAKARIBARAW District- Nawada

MD. SIKANDAR Son of Md. Salim Resident of Village - Mohanpur, P.S.-
Chandradeep, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-11-2022 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
Pakribarawan P.S. Case No. 186 of 2022 registered for the
offences punishable under Sections 414 and 34 of the Indian
Penal Code.

As per prosecution case, petitioner was
apprehended by the police at the place of occurrence with
motorcycle. It is further alleged that petitioner did not produce
any document and disclosed that he purchased the alleged
motorcycle in sum of Rs. 35,000/- from co-villager Chhotu
Kumar who was a mechanic and used to sell and purchase



stolen motorcycle.

Learned counsel for the petitioner submits that petitioner is in custody since 18.05.2022. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that seizure list has been prepared in contravention of Section 100(4) of the Cr.P.C. which has no relevance in the eye of law. From the perusal of F.I.R. it is clear that when the police came at the alleged place of occurrence petitioner did not flee away and he was sitting on the motorcycle as he believed that he was valid owner of the alleged motorcycle as he purchased motorcycle from co-villager Chhotu Kumar.

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, keeping in view clean antecedent of petitioner, 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 on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri Diwakar Kumar learned Judicial Magistrate Ist Class, Nawada in connection with Pakribarawan P.S. Case No. 186 of 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)

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