

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46821 of 2022

Arising Out of PS. Case No.-740 Year-2018 Thana- SIWAN CITY District- Siwan

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Parwej Alam Son of Ali Asagar R/o- Tilmapur, P.S- Nautan, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Kant, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code.

According to prosecution case, in brief, is that on 21.11.2018 the informant's son Ujjawal Kumar parked his read colour C.D. Deluxe motorcycle bearing Registration No. BR-28-B-1801 beside the coaching of P.K. Srivastava and went for doing coaching and after coaching, he found that the motorcycle is not there and after hectic search, he did not find his motorcycle.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner was arrested in Nautan P.S. Case No. 233 of 2018 under Sections 420, 467, 468 and 414 of the Indian Penal Code and the subject matter of that F.I.R. was the stolen motorcycle bearing No. BR-28-B1801 and the same was released in favour of the owner of the vehicle and for the same motorcycle the owner of the vehicle has filed Siwan Town P.S. Case No. 740 of 2018 under Section 379 of the Indian Penal Code and the name of the petitioner has been transpired that the same was recovered from the possession of the petitioner, so petitioner has been implicated in the present case. He further submits that in the present F.I.R. the petitioner was not name in the F.I.R. and the name of the petitioner has been transpired during investigation that the same was recovered from the possession of the petitioner and the petitioner has already granted bail in Nautan P.S. Case No. 233 of 2018 and the subject matter of the Nautan P.S. Case No. 233 of 2018 is the same and hence the petitioner may be granted the privilege of anticipatory bail.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and

submits that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Siwan Town P.S. Case No. 740 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court

below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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