

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60767 of 2021

Arising Out of PS. Case No.-85 Year-2021 Thana- AMAS District- Gaya

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Dara Khan S/o Riyaz Khan @ Md. Riyaz Khan R/o village- Sehuli, P.S.-
Amas, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-04-2022 Supplementary affidavit has been filed on behalf of

the petitioner, which is kept on record.

Heard learned counsel for the parties.

The petitioner is in judicial custody in connection
with Amas P.S. Case No.85 of 2021 under Sections 413, 414/34
of the Indian Penal Code.

As per the prosecution story, the police party was on a
patrolling duty and when they reached near Babhandhi Mod,
they saw two persons sitting on a motorcycle. They tried to flee
away but were apprehended and upon demand of the documents
of the motorcycle, they failed to oblige. It was under these
circumstance that the petitioner came into judicial custody.

Learned counsel for the petitioner submits that they
were standing near the motorcycle and merely on suspicion the



police apprehended the petitioner herein, he had nothing to do with the motorcycle and as such the police falsely implicated him in this case only because he had a criminal antecedent.

It was later found that the said motorcycle was stolen from Ranchi for which Ranchi Rail P.S. Case No.39/2017 was also lodged. By way of supplementary affidavit the petitioner has stated that he has never been remanded in that Ranchi P.S. case nor his family member has received any summon till date.

Taking into account the aforesaid facts as also that the charge sheet has submitted and the petitioner is in jail since 10.04.2021 (as stated in para-7 of the bail application), let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Amas P.S. Case No.85 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Sherghati, Gaya, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his



bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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