

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64559 of 2021**

Arising Out of PS. Case No.-329 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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KHUSI ALAM @ GABBAR, Son of Lajim Mian @ Lajim Miya, Resident of
Village - Tuniya Vishunpur Ward No. 12, Police Station - Manuwapul,
District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vashistha Narayan Mishra, Advocate
Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 11-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Anurag Singh, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Bettiah Nagar P.S. Case No. 329 of 2021

registered for the offences punishable under Sections 413,
414/34 of the Indian Penal Code and Sections 25(1-b)a, 26 of
the Arms Act. He has got five criminal antecedent as stated in
paragraph '3' of this application. The petitioner is in custody in
connection with this case since 25.05.2021.



Learned counsel for the petitioner submits that as per the prosecution story, the informant who is the S.H.O. of Bettiah Nagar Police Station raided the place on secret information that two persons have assembled for selling and buying of stolen motorcycle from where one person (petitioner) was arrested and one managed to escape. It is alleged that on search one loaded country made katta and one black colour Hiro Splendor Plus motorcycle without registration number was recovered from the possession of the petitioner. The informant also recovered one another Passon Pro motorcycle without any registration number.

Learned counsel submits that the petitioner is innocent and has not committed any offence rather he has falsely been implicated in this case. It is further submitted that the said motorcycle belongs to the petitioner and he is in custody since 25.05.2021

Learned counsel submits that the petitioner is on bail in the cases mentioned in paragraph '3' of this application.

Mr. Ram Anurag Singh, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that from the F.I.R. itself it is clear that the petitioner was arrested on chase with a motorcycle but from the supplementary affidavit of the



petitioner it is shown that the said motorcycle belongs to the petitioner and further that in connection with this case, the petitioner has remained in custody since 25.05.2021, investigation against him is complete and in the cases stated against him he is said to be on bail, his presence may also be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Nagar P.S. Case No. 329 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

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 steps 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.

And further condition that henceforth once in every two months the petitioner shall mark his attendance before the



S.H.O. of Manuwapul police station in the District of West Champaran and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Manuwapul police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

Let a copy of this order be sent to Superintendent of Police, West Champaran for appropriate instruction to the concerned Police Station.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

