

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65688 of 2021

Arising Out of PS. Case No.-682 Year-2021 Thana- ARARIA District- Araria

MD. TANWEER, Son of Md. Rajabul @ Rajabul, Resident of Village - Gogra Gerki, P.S.- Jokihat, District - Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Ms.Anita Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 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 Ms.Anita Kumari Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Araria (Madanpur) P.S. Case No. 682 of 2021 registered for the offences punishable under Sections 413, 414/34 of the Indian Penal Code. He has no criminal antecedent. The petitioner is in custody since 10.08.2021.

Learned counsel for the petitioner submits that while the informant was involved in vehicle checking spotted a motorcycle on which three persons were boarded, one of them managed to escape. The petitioner who was driving the vehicle



and co-accused Md. Irshad were apprehended and they accepted before the informant the said motorcycle is theft one.

Learned counsel submits that the petitioner was only driving the seized motorcycle and has no concern with the said motorcycle. He is in custody since 10.08.2021 and investigation against him is complete.

Ms.Anita Kumari Singh, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has been arrested in this case and he is in custody since 10.08.2021 on the mere allegation that he was driving a motorcycle of which the papers were not produced on demand, further submission that the seized motorcycle is not a stolen property as there is no claimant rather it was purchased by co-accused Md. Irshad but ownership was not transferred from the owner and apart from that there is no independent material to suggest the involvement of the petitioner in purchase and sale of stolen vehicle, the petitioner has otherwise no criminal antecedent and has remained in custody for over eight months and his presence may also be secured in course of trial, 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, Araria, in connection with Araria (Madanpur) P.S. Case No. 682 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

