

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68590 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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MOJAHID MIAN @ MOJAHID MIYAN S/o Mukhtar Miyan Resident of
Village- Bada Tuniya, P.S.- Bettiah Nagar (Manua Pul O.P.), District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gauri Shankar Thakur, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-05-2022 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Nand Kishore
Prasad.

The petitioner seeks regular bail in
connection with Bettiah Nagar P.S. Case No.
96/21, registered for the offence punishable under
Sections 413/414/34 of the Indian Penal Code and
Sections 25(1-b)a/26 of the Arms Act.

The informant and other police personnel are
stated to have conducted a raid at the place of
occurrence and are stated to have arrested the
petitioner and one co-accused person, namely,
Lal Mohammad @ Anil Mian, who were trying to



flee away upon seeing the police party. On search, one loaded country made pistol, one master key and one motorcycle without registration number were recovered from the possession of the co-accused person, namely, Lal Mohammad @ Anil Mian while one master key was recovered from the possession of the petitioner. It is also alleged that upon disclosure made by the said arrested accused persons, houses of other accused persons were searched and some motorcycles were recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 11.2.2021. The learned counsel for the petitioner has further submitted that since the petitioner is an accused in some other similar type of cases, totalling eight in number, he has been implicated in the present case merely on suspicion. It is also submitted that no stolen motorcycle has been alleged to have been recovered from the



possession of the petitioner and the petitioner is languishing in custody since more than one year. Lastly, it is submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed upon him by this Court for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that the petitioner is a habitual offender.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no stolen motorcycle has been recovered from the possession of the petitioner and he is languishing in custody since more than one year, though I deem it fit and proper to grant the privilege of bail to the petitioner herein, however, with certain conditions.



Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bettiah West Champaran in connection with Bettiah Town P.S. Case No. 96 of 2021.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10:30 am. and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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