

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68601 of 2021

Arising Out of PS. Case No.-65 Year-2021 Thana- SIKARPUR District- West Champaran

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HASMUDDIN MIAN Son of Manager Mian Resident of Village - Tuniya,
P.S.- Bettiah Muffasil (Manuapul), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 27-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Shikarpur
P.S. Case No. 65/2021 registered for the offences punishable
under Section 379 of the Indian Penal Code.

As per prosecution case, on 23.01.2021 at about 2.00
pm, the informant went inside the Narkatiaganj Block Office
parking his Super Splender Motorcycle in question and when he
came out of the Block Office, he found that his motorcycle
missing from the place, where he had parked and the case has
been lodged against the unknown persons. The name of
petitioner has surfaced from para 34 of the case diary where



present petitioner has confessed in Shikarpur P.S. Case No. 75/2021 from there he remanded in the present case.

Learned counsel for the petitioner submits that petitioner is in custody since 13.07.2021 and petitioner bears criminal antecedent of seven cases. He further submits that petitioner is not named in the FIR and nothing has been recovered from the conscious possession of the petitioner. There is no T.I. Parade was constructed. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, FIR has been lodged against unknown, nothing has been recovered from the possession of the petitioner, petitioner bears criminal history in series of cases of similar nature and he was remanded one by one in other cases, and taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



West Champaran at Bettiah in connection with Shikarpur P.S.

Case No. 65/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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