

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70010 of 2022

Arising Out of PS. Case No.-637 Year-2021 Thana- ARARIA District- Araria

MD JAMAL @ JAMAL Son of Late Rahman R/v- Araria Basti Beldari Tola
Ward No. 07, P.S.- Araria (Bairgachhi), District- Araria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 413, 414/34 of the Indian
Penal Code.

According to prosecution case, As per prosecution
case, in brief, is that on 26.07.2021 at 11.30 A.M. the informant
Bimal Kumar Mandal, P.S.I. of Araria P.S. got information from
investigating officer Sri Sanjeev Kumar, A.S.I. of Araria Police
Station that wanted accused Faizal Murtaza in his confessional
statement has disclosed the name of his criminal associates



Albader, Jamshed and the said accused persons after committing theft of red colour bullet motorcycle from Ashram Road handed over the same to Md. Belal for selling out then the informant alongwith other police personnel came at the betal shop of Belal and on inquiry Belal disclosed that co-accused Faisal Murtaza, Albader and Jamshed with the help of co-accused Md. Raja and Sahnawaz has sold the bullet motorcycle to petitioner Md. Jamal, the scrap shop keeper who has dismantled the bullet motorcycle and sold out its part. Thereafter accused Belal was arrested and on whose instance the petitioner Md. Raja and Jamal is also arrested, both have also stolen away one white colour Bullet Motorcycle but due to dispute, the same motorcycle hide into canal water, Gaiyari and thereafter the informant along with police personnel has recovered the bullet motorcycle from the said canal.

Earlier the bail application of the petitioner was rejected vide order dated 09.05.2022 passed in Cr. Misc. No. 59823 of 2021 and thereafter, the petitioner again approached this Hon'ble Court in Cr. Misc. No. 52365 of 2022 which was heard and withdrawn vide order dated 12.10.2022.

He further submits that the charge has been framed against the petitioner and other co-accused person on



06.07.2022 and the petitioner has falsely been implicated in the present case on the basis of suspicion. He further submits that nothing has been recovered from the possession of the petitioner and the name of the petitioner has transpired on the basis of confessional statement of co-accused namely, Md. Belal. He further submits that petitioner has no concern at all with alleged occurrence and he is in custody since 27.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Araria P.S. Case No. 637 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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 step 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.

(Rajesh Kumar Verma, J)

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