

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3315 of 2023

Arising Out of PS. Case No.-438 Year-2022 Thana- KOTWA District- East Champaran

Salim Miyan @ Salim Miya, Son of Kurban Miya, Resident of village- Belwa
Madho, P.S.- Kotwa, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mrs. Vaishnavi Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kotwa P.S. Case No.438 of 2022 registered for the offences punishable under Sections 411, 467, 468, 471, 420/34 of the Indian Penal Code.

It is alleged that two persons were apprehended by the villagers with a motorcycle. However, on demand, they did not produce any valid paper with regard to the seized motorcycle, bearing registration no. 22AS 2372. It is further alleged that from the dicky of the said motorcycle number plate and other incriminating articles were recovered.

Submission has been made on behalf of the petitioner that the petitioner has no concern with the motorcycle, in



question. It is further submitted that one person, being the owner of the motorcycle, took money for the motorcycle and when the co-accused asked to execute the sale documents and hand over the motorcycle, in question, then he asked the co-accused to take another motorcycle, which has been seized in the present case. Further submission has been made that the petitioner has no concern with the said transaction, however, only on account of suspicion the petitioner has also been implicated in this case. Further, co-accused Jhunna Singh @ Jhunnu Singh, with whom there was dispute with owner of the motorcycle and was also apprehended with the petitioner, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 8212 of 2023 vide order dated 13.04.2023. The petitioner is in custody since 03.11.2022, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that other co-accused persons, having similar allegation, has already been allowed the privilege of bail by the learned coordinate Bench of this Court, coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail



bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P.S. Case No.438 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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