

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5221 of 2023

Arising Out of PS. Case No.-147 Year-2022 Thana- DEWARIA District- Muzaffarpur

Md. Nahid Hussain @ Nahid Hussain Son of Md. Ahmad Hussain Resident of
Mohalla - Miskari Tola, Deoriya, P.S.- Deoriya, District - Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nuzhat Perween, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
02.09.2022 in connection with Deoriya P.S. Case No. 147 of
2022, F.I.R. dated 01.09.2022 for the offences punishable under
Sections 413, 414, 34 of the Indian Penal Code.

According to prosecution case, as per written report of
the informant namely, Anuradha Kumar stating therein that on
01.09.2022 at about 5 P.M. some police constable raiding and
searching there front of this area in the meantime, they were
checking traffic they found that one Glamour Motorcycle came
there racing fast cached by police officer. It is further alleged
that a rounding the police action some peoples are come there
and see the accused. It is further alleged that a search warrant
and seizure list has been ready by the police against accused



persons.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has no concerned with the alleged recovery of motorcycle in question and the said motorcycle in question was given to him by co-accused Md. Saddam and the same is not belong to the petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 02.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Ms. Rupa Raj Divisional Judicial Magistrate, 1st Class, Muzaffarpur in connection with Deoriya P.S. Case No. 147 of 2022, 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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