

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13149 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- CHAUSA District- Madhepura

Md. Jaubair @ Jubair Alam Son Of Emran @ Ebrar @ Imran R/O Village-
Jamuniya, P.S.- Parbatta, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
10.02.2022 in connection with Chousa P.S. Case No. 11 of
2022, F.I.R. dated 18.01.2022 for the offences punishable under
Section 379 of the Indian Penal Code.

According to prosecution case, the informant's
motorcycle and engine was stolen from his *darwaja* in the night
by some unknown thief.

Learned counsel for the petitioner submits that
petitioner carries 7 criminal antecedents other than the present



one but also submits that he is on bail in 5 cases out of 7 cases. He further submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis that one motorcycle was recovered in Parbatta P.S. Case No. 08 of 2022 in which the petitioner has confessed his guilt. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.02.2022.

The learned Additional Public Prosecutor 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 Sub Divisional Judicial Magistrate, Udakishunganj District-Madhepura in connection with Chousa P.S. Case No. 11 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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