

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11733 of 2023

Arising Out of PS. Case No.-992 Year-2022 Thana- ARARIA District- Araria

WAKIL AHMAD S/o Md. Yasin R/o Village- Paiktola, Kadhara, ward no. 15,
P.S.- Araria, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Araria P.S. Case No.992 of 2022 instituted under Sections 413, 414/34 of the Indian Penal Code lodged on 17.11.2022 by the informant Shiv Sharan Sah.

As per the FIR, the informant with police party on day patrolling got secret input regarding three culprits on a stolen bike are going to commit crime somewhere. Thereafter the informant with his team started checking at Barrier Chowk and nabbed the petitioner along with co-accused Sonu Kumar Yadav and Ashok Kumar Yadav riding on motorbike for which they could not produce any valid paper of ownership of legal authorization. The informant thereafter in presence of independent witnesses seized the bike. Accordingly, the FIR.



It has been contended by the learned counsel for the petitioner that merely because he was seated as one of the pillion rider to the motorcycle, which do not belong to him, he has already suffered by being in custody since 18.11.2022 (as stated in para-14 of the petition).

Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the fact that he has remained in custody since 18.11.2022 and the motorcycle allegedly belong to Md. Abrar, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Araria P.S. Case No.992 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Araria, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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