

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17812 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- WARISLIGANJ District- Nawada

MD. AZAD @ AZAD RAAEEN S/O Iliyas Raaeen @ Ilyas R/O Village-
Shahpur, P.S- Muffasil, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate
For the Opposite Party/s : Mrs.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Warisaliganj P.S. Case No. 114 of 2022 under section 414/34 of the Indian Penal Code lodged on 16.03.2022 by the informant Gabriel Murmu.

The prosecution story, in brief, is that on 15.03.2022, the informant alongwith other police forces proceeded from the police station of night patrolling and they were checking vehicle and during course of checking at Chandni Chowk they saw that three persons on two motorcycles were coming from Sherpur Mor and when they gave signal to stop them, they tried to escape. On chase, the person who was on Bullet motorcycle was caught and on demand, he could not produce the documents of motorcycle and he disclosed his name as Kaushal Kumar and on



query, also disclosed the names of those escaped as Kundan Kumar and Rupesh Kumar @ Kaliya Kumar.

It was further alleged that he alongwith other police forces thereafter proceeded from the police station with Kaushal Kumar and found that near Basochak bridge, one person was trying to escape and Kaushal Kumar disclosed his name as Rupesh Kumar alias Kailiya Kumar. The police force caught him. On query, he disclosed that he alongwith Kundan Kumar was fleeing from Glamour motorcycle bearing no. BR27M-6009 and due to mechanical problem in the said motorcycle, while Kundan Kumar fled away to his home and he was going to house of his friend Md. Adil for hiding.

Further allegation was that on the identification of Rupesh Kumar @ Kaliya Kumar said Glamour motorcycle was recovered from near Basochak Grid and Rupesh Kumar @ Kaliya Kumar and Kaushal Kumar accepted that they alongwith their friend, Kundan Kumar had stolen the said vehicle from Uttar Bazar Koeri Tola. Thereafter, aforesaid recovered motorcycle was seized and FIR lodged.

It has been submitted by the learned counsel for the petitioner that he is not named in the FIR, his name has come in the confessional statement of co-accused Kaushal Kumar and



Md. Adil. Further, he do not have criminal antecedent.

Learned APP opposes the prayer.

Taking into account the aforesaid submission put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail. However, if it is found that the petitioner do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-II, Nawada, in connection with Warisaliganj P.S. Case No. 114 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with other 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



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 his 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 his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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