

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15903 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- KADWA District- Katihar

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ABBAS @ MD ABBAS @ MOHAMMAD ABBAS Son of Nasabul Resident
of village - Sirpur, Panchayat - Chahatpur, P.S.- Palasi, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-05-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Kadwa

P. S. Case No. 19 of 2022, registered for the offences

punishable under Sections 413, 414, 420 and 34 of the

Indian Penal Code.

As per allegation, the petitioner and his associates

were indulged in buying and selling stolen motor-cycles.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that nothing has been recovered

from the conscious possession of the petitioner. He also



submits that his name transpires in the confessional statement of one of the co-accused Makshud Alam, from whose possession, the alleged stolen motor-cycles were recovered. He also submits that the aforesaid Makshud Alam has already been enlarged on bail by the lower court itself.

He further submits that the petitioner has been languishing in jail since 14.03.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in four more cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief



Judicial Magistrate, Katihar, in connection with Kadwa P. S.
Case No. 19 of 2022 on the following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not get hamper on account of his
absence or non-cooperation. He must be available to the
police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him
from disclosing such facts to the court or to any police
officer.

(iv) In case, it is brought to the notice of the court
below that the petitioner has criminal antecedents other than
the disclosed one, Ld. court below shall cancel the bail bonds
of the petitioner after hearing him and getting satisfied that
the petitioner has concealed his criminal antecedents despite
his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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