

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16833 of 2023**

Arising Out of PS. Case No.-596 Year-2022 Thana- GAYA KOTWALI District- Gaya

Md. Zahid @ Md. Zahid Ansari, Gender-Male, aged about 27 years, Son of Md. Javed Ansari @ Md. Javed @ Md. Jawed R/o Mohalla- Nadraganj, P.S.- Civil Line, District- Gaya, At Present R/O Mohalla- Panchatiya, Akhara, Eqbal Nagar, P.S.- Kotwali, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Tabish Sharfuddin, Advocate
For the Opposite Party : Ms. Sucheta Yadav, Advocate

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER**

2 16-05-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kotwali P.S. Case No. 596 of 2022 dated 27.09.2022, instituted for the offence punishable under Sections 379 of the Indian Penal Code.

3. As per the prosecution case, on 26.09.2022, the informant parked his motorcycle outside a hospital and when returned from the hospital, he found his bike missing. Thereafter, he lodged F.I.R. against unknown person.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been implicated in this case only on the basis of suspicion. It is further submitted that there



is no eye witness of the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner and till date, no *Test Identification Parade (T.I.P)* has been conducted. It is further submitted that the petitioner has been implicated in this case on the basis of self-confessional statement and having criminal antecedents, which caused suspicion. Lastly, it has been submitted that the petitioner is in custody since 30.09.2022, charge-sheet has been submitted in the case and he has five criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Chief Judicial Magistrate, Gaya in Kotwali P.S. Case No. 596 of 2022, subject to the following conditions:-

- (i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- (ii) One of the bailors will be his own blood



relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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