

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30301 of 2022

Arising Out of PS. Case No.-345 Year-2021 Thana- DALSINGHSARAI District- Samastipur

MD TARIQUE ISHTEYAQUE @ MEJAR S/o Md. Aasif Resident of
Village- Chak Nawada, P.S.- Dalsingsarai, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21667 of 2022

Arising Out of PS. Case No.-345 Year-2021 Thana- DALSINGHSARAI District- Samastipur

ALI IMAM HUSSAIN @ LADLA @ LALLA Son of Md. Vasir R/o village -
Chak Nawada, P.S. - Dalsinghsarai, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24793 of 2022

Arising Out of PS. Case No.-345 Year-2021 Thana- DALSINGHSARAI District- Samastipur

NAUSHERWAN @ NAUSHE KHAN @ SAHEB @MD NAUSHERWA @
NAUSHA Son of Late Shamshul Haque @ Alam Resident of Village -
Chaknawada, P.S.- Dalsinghsarai, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27381 of 2022

Arising Out of PS. Case No.-345 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Md. Moiej Alam @ Naushe Son Of Md. Parwez Alam @ Md. Prwez Alam @
Md. Pravej Alam R/O Village- Chaknawada, P.S.- Dalsinghsarai, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30301 of 2022)

For the Petitioner/s : Mr.Mukesh Kumar No.1, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 21667 of 2022)



For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP
(In CRIMINAL MISCELLANEOUS No. 24793 of 2022)
For the Petitioner/s : Mr.Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 27381 of 2022)
For the Petitioner/s : Mr.Md. Fahimuddin, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 16-02-2023 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and the learned A.P.P. for the State in these applications.

The petitioners seek bail in a case registered for the offence under Sections 457,380,411 of the Indian Penal Code.

The prosecution case, in short, is that on 11.11.2021 at 8.00 A.M. Prince informed the informant on phone that lock of his house has been broken and all the house hold item were mismanaged. The self of Godrej was opened and Rs.25,000/- was missing. He has given the list of 274 items missing from his house. He expressed his apprehension that son of owner of Disco Tailors who is also tenant of his house namely Prince who is criminal and remain in company of criminals has committed this crime.



Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. In fact the petitioners are not named in the FIR, except petitioner Md. Tarique Ishteyaque @ Mejar. Further submits that nothing has been recovered from conscious possession of the petitioners. Name of the petitioners, except petitioner Md. Tarique Ishteyaque @ Mejar, have come on the basis of the confessional statement of petitioner Md. Tarique Ishteyaque @ Mejar and nothing incriminating article or looted article has been recovered from possession or the house of the petitioners and the petitioners are remanded in Dalsingsarai P.S.Case No.348 of 2021 and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 03.12.2021.

Learned A.P.P. for the State, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioners but fairly submits that nothing incriminating or looted article has been recovered from possession of the petitioners. Further submits that petitioner Md. Tarique Ishteyaque @ Mejar, petitioner Md. Moiej Alam @ Naushe carries three more



cases, petitioner Nausherwan @ Naushe Khan @ Saheb @Md Nausherwa @ Nausha, petitioner Ali Imam Hussain @ Ladla @ Lalla carries one more case and other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Dalsingsarai P.S.Case No. 345 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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