

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30476 of 2023

Arising Out of PS. Case No.-427 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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SHERU ALAM @ IMTEYAJ ALAM S/O MD. ALAM R/O Mohalla-
Chhatauni Dih, P.S- Chhatauni, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.
For the Opposite Party/s : Mr.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Trial

No. 710 of 2022 arising out of Motihari Muffasil P.S. Case No.

427 of 2022 registered for the offence under Sections 379 of

the Indian Penal Code.

The case relates to commission of theft of

motorcycle of the informant.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. He further submits that the

petitioner has not been named in the F.I.R. but on the basis

of cctv footage which was collected during the course of



investigation by the police, this petitioner has been apprehended in this case. He further submits that nothing incriminating has been recovered from the possession of the petitioner nor he has been put on T.I.P. as yet. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 28.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Motihari, East Champaran in connection with Trial No. 710 of 2022 arising out of Motihari Muffasil P.S. Case No. 427 of 2022 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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