

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31227 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Rijwan @ Mohammad Rijwan Son Of Md. Muslim Ansari R/O-Nakchhed
Tola, Ward No. 04, P.S.-Town Motihari, Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Sanjay Kumar Tiwari, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Motihari Town P.S. Case No. 299 of 2022 (G.R.
No.2197 of 2022), registered for the offences punishable under
Sections 457 and 380 of the Indian Penal Code.

Allegedly, from the house of the informant ornaments
wroth Rs.7,00,000/-, cash of Rs.4,00,000/- and two mobile
phones were stolen away by unknown persons. Later on, name
of the petitioner transpired on the confessional statement of co-



accused Md. Sonu and on whose confession Rs.2,34,000/-, some silver and golden jewelries were recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR and only on the confessional statement of Md. Sonu, the name of the petitioner along with his father has been implicated in the present crime. So far the father is concerned, he has been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 57053 of 2022 vide order dated 20.01.2023. He further submits that though some household articles including cash amount and jewelry have been recovered from the house of the petitioner but the same has never been put on test identification parade in order to verify as to whether they are stolen property or not. He next submits that the co-accused persons on whose confession name of the petitioner has surfaced, he has also been allowed bail by learned Coordinate Bench of this Court in Cr. Misc. No. 43641 of 2022 vide order dated 24.11.2022. He lastly submits that the petitioner is a man of clean antecedent and the investigation of the crime is complete.

On the other hand learned APP for the State



vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the recovery has been made from a joint family house, headed by the father of the petitioner, who was also made accused in this case, he has been allowed bail by learned Coordinate Bench of this Court, coupled with the fact that the alleged incriminating recovered materials have not been put on test identification parade, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 299 of 2022 (G.R. No.2197 of 2022), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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