

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31209 of 2023**

Arising Out of PS. Case No.-61 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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FAIYAZ ALAM SON OF JALIL ANSARI @ ABDUL JALIL ANSARI
Resident of Village- Shivpur Dubaulia, P.S.- Bettiah Muffasil (Manuapul),
District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Bettiah Town P.S. Case No. 61 of 2023 registered for the offences under sections 399, 401, 413, 414, 420, 467, 468 and 120B of the Indian Penal Code lodged on 28.01.2023 by the informant, Naresh Kumar.

The prosecution case, in brief, is that on 28.01 2023 14.00 hours the informant along with other police personnel proceeded for the purpose of raiding and as soon as he reached in Supriya Cinema Road, at about 16 hours, he received secret information that some miscreants are present with stolen motorcycle near Triple Crown Hotel planning for committing



theft of vehicle.

It is further said that on receiving such information, he rushed at the P.O. and saw six persons there with three motorcycles who upon the sight of the police tried to escape. The informant and police party chased them and arrested with the motorcycles. Upon search, bunch of key of motorcycles and other articles were recovered from the possession of apprehended persons. On query, they disclosed to have assembled for preparation of committing theft of motorcycle. Accordingly, the FIR.

The contention of the learned Counsel for the petitioner is that nothing incriminating have been recovered from his conscious possession and so far as the recovery/seizure of motorcycle is concerned, it belong to his elder brother, Mahboob Alam. Thus, the vehicle was not stolen. The last submission is that he has been custody since 29.01.2023 (paragraph 11 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the aforesaid submission as also that he do not have criminal antecedent, is a young boy of 21 years and is in custody since 29.01.2023, this Court is inclined to extend



him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Town P.S. Case No. 61 of 2023, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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