

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39036 of 2023

Arising Out of PS. Case No.-83 Year-2022 Thana- PURUSHOTTAMPUR District- West
Champaran

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Aslam Sheikh @ Sheikh Aslam Son of Gayan Shekh Resident of village -
Bherihari, P.S. - Purushottampur, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

for the State.

The petitioner seeks bail in connection with

Purushottampur Police Station Case No. 83 of 2022,

registered for the offences punishable under Sections 379,

413, 414/34 of the Indian Penal Code.

As per prosecution case, the allegation against the

accused-persons including the petitioner and three others

that they were doing theft of animals.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that the name of the petitioner has



been given in the F.I.R. only on the basis of suspicion as the informant has not seen the thief, who stole her buffalo. He also submits that the recovery of the case property has not been made from the possession of the petitioner but from one co-accused. He further submits that similar situated co-accused has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 05.07.2023, passed in Cr. Misc. No. 37364 of 2023.

He further submits that the petitioner has been languishing in jail since 21.03.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for anticipatory bail *vide* Cr. Misc. No. 391 of 2023.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate 1st Class, Bettiah, District-West Champaran in connection with Purushottampur Police Station Case No. 83 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds



of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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