

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48008 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

MD ANJAR ALAM @ ANZAR ALAM SON OF ABDUL RAHMAN R/O
VILLAG- MARWATOLI CHOWK, P.S.- KISHANGANJ, DISTRICT-
KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 07-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 15.04.2023 seeks bail, in connection with Kochadhaman P.S. Case No.104/2023, dated 14.04.2023, for the offences punishable under Sections 379, 411/34 of the IPC.
3. According to prosecution case, the petitioner was apprehended while he was trying to break the handle of the motorcycle in question.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence



as alleged in the F.I.R. He further submits that from perusal of the F.I.R, it appears that the petitioner was trying to break the handle of the motorcycle in question and he was apprehended at the spot. He further submits that in fact the petitioner was standing near the place of occurrence and he has not committed anything wrong and merely on the basis of suspicion, he has falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.04.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in the aforesaid case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned C.J.M., Kishanganj in connection with Kochadhaman P.S. Case No. 104/2023, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

amit/-

U		T	
---	--	---	--

