

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46939 of 2023**

Arising Out of PS. Case No.-338 Year-2023 Thana- BODHGAYA District- Gaya

1. SHAMSHAD KHAN @ BIDDO KHAN @ SHAMSHUD KHAN S/O LATE MOIN KHAN R/O VILLAGE- HATHIYAR, PS. BODH GAYA, DIST. GAYA
2. NAWAB KHAN S/O WAIZUL KHAN R/O VILLAGE- HATHIYAR, PS. BODH GAYA, DIST. GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Aryan Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      01-08-2023                      1. Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 16.04.2023 seek bail in connection with Bodh Gaya P.S. Case No.338/2023 registered for the offences punishable under Sections 414, 467, 468 and 34 of the I.P.C.

3. According to prosecution case, one motorcycle and a mobile phone have been recovered from the house of the petitioner no.1 and he disclosed before the informant that said motorcycle belongs to the petitioner no.2.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from bare



perusal of the F.I.R. it appears that the petitioner no.1 is mechanic and the petitioner no.2 has handed over the motorcycle in question to petitioner no.1 for repairing. Thereafter the petitioner no.2 has informed that he has received the motorcycle in question from Sami Akhtar @ Sonu. He further submits that from perusal of the F.I.R., it appears that the petitioners have no concern at all with the allegation as alleged in the F.I.R. He further submits that co-accused, namely, Sami Akhtar @ Sonu has not produced the valid paper of the motorcycle in question before the police and Sami Akhtar has also informed the police that he has given the motorcycle in question to the petitioners for repairing. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 16.04.2023.

5. Learned Additional Public Prosecutor for the State on the other hand opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st Class, Gaya in



connection with Bodh Gaya P.S. Case No.338/2023, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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