

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47154 of 2022

Arising Out of PS. Case No.-38 Year-2021 Thana- SIKARPUR District- West Champaran

Zahir Mian, Son of Yasin Mian, R/O Village-Tuniya Vishunpur, P.S.-
Manuapul, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Shikarpur
P.S. Case No.38 of 2021 registered for the offence punishable
under Section 379 of the Indian Penal Code.

The prosecution is based on allegation that
informant's motorcycle was parked and has gone missing.

Learned counsel for the petitioner submits that the
petitioner's implication is on statement of co-accused
Hasmuddin Mian. The said Hasmuddin Mian has been allowed
bail in Cr.Misc. No.17674 of 2022. There is no recovery from
the petitioner and his implication is based on his five
antecedents. He is on bail in four, out of five cases. His arrest
has led to no recovery. He is in custody since 01.07.2021.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, based on parity with similarly situated co-accused and the period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, 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 Chief Judicial Magistrate, Bettiah, District-West Champaran. in connection with Shikarpur P.S. Case No.38 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be



cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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