

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50641 of 2023

Arising Out of PS. Case No.-178 Year-2022 Thana- PAKRIDAYAL District- East Champaran

Md Irshad @ Irshad Alam, S/O Mansoor Alam R/O Village- Shikarganj, Ps.
Shikarganj, Dist. East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioner and the
State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Pakaridayal Police Station Case No. 178 of 2022, dated 09.07.2022 ,registered for the offences punishable under Sections 413, 414 and 34 of the Indian Penal Code.

3. As per FIR, the prosecution case is that on information that some persons are trying to sell the stolen motorcycle, the police reached at the place of occurrence but some persons managed to flee away with the stolen motorcycle. However two accused persons were arrested, from whom, one master key was recovered.

4. The learned 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 transpired only in the confessional statement of other co-accused. He also submits that the petitioner was neither present nor arrested at the place of occurrence. He further submits that no incriminating article had been recovered from the possession of the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, 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 the Ld. Additional Chief Judicial Magistrate 8th, Motihari, East Champaran, in connection with Pakridayal Police Station Case No. 178 of 2022, subject to the



conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

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

9. The learned counsel for the petitioner is directed to remove all the defects 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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