

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53618 of 2023

Arising Out of PS. Case No.-527 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Md. Safique Alam @ Md. Safique @ Md. Aziz Son Of Md. Musa Ali R/o
Vill-Baidanda,Gaji Tola,P.S.- Barari District Katihar Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mrs.Pronoti Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

2. Learned counsel for the petitioner is permitted to
make necessary correction in the prayer portion of the bail
petition in course of the day.

3. The petitioner seeks bail, who is in custody since
27.04.2023 in connection with K.Hat (Maranga) P.S. Case
No. 527 of 2023, F.I.R. dated 27.04.2023 registered for the
offence punishable under Sections 401,413,414/34 of IPC.

4. The prosecution case, in short, is that on
26.04.2023 the police apprehended two persons with
motorcycle. They disclose their name as Nirmal Kumar @
Nirmal Sharma and Vikram Kumar @ Vikki. They told that
they have stolen the motorcycle one night before with the help
of their friend Anil Sharma. They also told that they sold



stolen motorcycle to Md. Safique @ Md. Aziz and Mr. Sakir. They also told that earlier also Safique had given stolen Glamour motorcycle to Suraj Singh. The police recovered and seized mobile phone from Vikram Kumar @ Vikki and one Super Splender motorcycle Number BR39AA-9681 from Nirmal Kumar and Vikram Kumar.

5. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of the disclosure made by the co-accused person. Further submits that from a bare perusal of the FIR as well as the seizure list that no incriminating article has been recovered from possession of the petitioner rather the recovery has been made from other co-accused persons and except the disclosure disclosure made by the co-accused persons, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 27.04.2023.

6. Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly



submits that the petitioner is on bail in the said case.

7. Considering the aforesaid fact, 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 learned Chief Judicial Magistrate, Purnea in connection with K.Hat (Maranga) P.S. Case No. 527 of 2023, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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)

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