

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52164 of 2023

Arising Out of PS. Case No.-327 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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MOHAMMAD GUDDU SON OF HARUN MOHAMMAD @ MD. HARUN
RESIDENT OF VILLAGE - KHODANGAR, P.S. - CHHATAUNI,
DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2023 Heard the parties.

The petitioner is an accused in connection with Town
P.S. Case No. 327 of 2023 registered for the offences under
sections 379, 411 and 34 of the Indian Penal Code lodged on
01.05.2023 by the informant, Asif Imam Khan.

As per the prosecution story, the informant parked his
motorcycle outside of the home. Suddenly, he found two
accused persons taking away the motorcycle. On alarm, both the
accused persons were caught, the petitioner being one of them.
Accordingly, the FIR.

Learned Counsel for the petitioner submits that he has
already suffered by being in custody since 02.05.2023 (as stated
in paragraph 14 of the bail application), despite the fact that he



has no criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he was caught on the spot.

Considering the fact that he has remained in custody since 02.05.2023, do not have criminal antecedent, charge sheet submitted and will be facing the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Town P.S. Case No. 327 of 2023, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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