

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53259 of 2023

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

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Isad Alam @ Ishad Alam Son Of Mumtaz Alam Resident Of Village
Khodanagar, P.S - Chhatauni, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. 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 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. The petitioner seeks bail, who is in custody since
02.05.2023 in connection with Town P.S. Case No. 327 of
2023, F.I.R. dated 01.05.2023 registered for the offence
punishable under Sections 379,411,34 of IPC.

3. 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.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case. Further submits that from a bare perusal of the FIR as well as the seizure list that the petitioner was apprehended alongwith co-accused person with looted motrocycle in question and there is non-compliance of the Section 100 of Cr.P.C. Further submits that co-accused person, namely, Mohammad Guddu has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 19.08.2023 passed in Cr. Misc. No.52164 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.05.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. 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, Motihari, East Champaran in connection with Town P.S. Case No. 327 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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