

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52990 of 2023

Arising Out of PS. Case No.-658 Year-2022 Thana- ARARIA District- Araria

MD. SHAMIM AKHTAR Son of Late Abdul Mannan Resident of village -
Manuar Nagar, Zeromali, P.S. and Distt. - Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 01.05.2023 seeks
bail, in connection with Araria P.S. Case No.658/2022, dated
03.08.2022, for the offences punishable under Sections 467,
468, 471, 472, 474, 420/34 of the IPC.

3. According to prosecution case, the informant
alleged that he is a motorcycle mechanic having garage at zero
mile, Araria. One Prem Prakash Bhagat came and offered that if
he sells motorcycle from J.M. Motors, Forbesganj, he will get a
commission of Rs. 1000/- per motorcycle. Accordingly, one
motorcycle was purchased, total payment received by Prem
Prakash Bhagat and thereafter the motorcycle was handed over
to the informant. In this way, three hundred motorcycles were



sold to different persons after getting payments and photocopy of Adhar Card and thereafter the motorcycles were delivered. However, from last two months, loan notices started coming from Hero Fin Carp Limited received by all the purchasers and thereafter the financier started seizing the motorcycle from the road. The allegation is that as the purchasers never visited the office of finance company or showroom nor signed any document, they felt duped. Accordingly, the present F.I.R. has been instituted.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that initially the petitioner was informant of the present case and thereafter the petitioner has filed a criminal writ bearing Cr. W.J.C No. 1549/2023 before this Hon'ble Court for proper investigation of the case but the police has arrested the petitioner and remanded in the present case. He further submits that from persual of the F.I.R., it appears that there is no accusation of committing any wrong against the petitioner and it has come during investigation that the petitioner has helped the co-accused namely Prem Prakash Bhagat. He further submits that co-accused, namely, Salman @ Mohammad Salman has been



granted bail by a co-ordinate Bench of this Court vide order dated 19.08.2023 passed in Cr. Misc. No.52338/2023, another co-accused namely Abid Hussain has been granted anticipatory bail vide order dated 30.08.2023 passed in Cr. Misc. No. 56021/2023 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 01.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 C.J.M., Araria in connection with Araria P.S. Case No.658/2022, subject to the following conditions:-

1. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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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