

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54698 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- TRIVENIGANJ District- Supaul

Md Afroj S/O Abdul Hafij R/O Village- Karharawa, P.S- Tribeniganj, Distt.-
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.04.2022 in connection with Tribeniganj P.S. Case No. 142 of
2022, F.I.R. dated 18.03.2022 for the offences punishable under
Section 379 of the Indian Penal Code.

3. According to prosecution case, it is alleged that on
one fine night, the informant heard some sound of lock breaking
of his motorcycle and woke up and tried to stop the petitioner
but he fled away with his motorcycle and left his bicycle at the
spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that stolen motorcycle has not



been recovered from the possession of the petitioner and merely on the basis of suspicion, petitioner has been implicated in the present case. He further submits that the police after investigation submitted the charge sheet under Section 379/411 of the Indian Penal Code against the petitioner. The petitioner is in custody since 05.04.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one but fairly submits that petitioner is on bail in both these cases.

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 Additional Chief Judicial Magistrate – Ist, Supaul, in connection with Tribeniganj P.S. Case No. 142 of 2022, subject to 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 absence on two consecutive dates without sufficient



reason, his 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)

Aditi

U		T	
---	--	---	--

