

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57386 of 2023

Arising Out of PS. Case No.-423 Year-2023 Thana- PURNEA SADAR District- Purnia

1. MD MUZAFFAR Son of Alimuddin Resident of village - Panserua ward no. 08, P.s. - Mahalgoan, Distt. - Araria
2. Md Rehan Alam Son of Late Md Tafluddin Resident of village - Tukaily ward no. 11, P.S. - Jokihat, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Mallick, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 11.05.2023 in connection with Sadar P.S.Case No.423 of 2023, F.I.R. dated 11.05.2023 registered for the offence punishable under Sections 379/411 of the Indian Penal Code and 136 of the Electricity Act.

3. The prosecution case, in short, is that all the FIR named three accused persons including the petitioners have been caught red handed and stolen transformer oil has been recovered from their possession.

4. Learned counsel appearing for the petitioners



submits that the petitioners have falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Further submits that the oil which was used in the transformer has been recovered from possession of the petitioners and apart from the aforesaid a number of mobile phone also recovered from possession of the petitioners. Learned counsel for the petitioners submits that there is non-compliance of Section 100 of Cr.P.C. Further submits that the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 11.05.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioners and submits that the petitioner No.1 carries five more cases and petitioner No.2 carries four more cases other than the present one.

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with Sadar P.S.Case No.423 of 2023, with the following conditions:-



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

(II) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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