

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58670 of 2023

Arising Out of PS. Case No.-52 Year-2020 Thana- PRANPUR District- Katihar

MD. AKMAL @ AKMAL @ MOHAMAD AKMAL Son of Atabul Rahman
@ Ataur Rahman R/o vill - Basantpur Diyara, P.S. - Amdabad, Distt. - Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

2. The petitioner is an accused in connection with Pranpur P.S. Case No. 52 of 2020 registered for the offences under section 379 of the Indian Penal Code lodged on 04.03.2020 by the informant, Ramesh Mandal.

3. As per the prosecution story, the informant alleged that his motorcycle has been stolen by unknown persons which led to the lodging of the FIR.

4. Learned Counsel for the petitioner submits that one Fateh was arrested, on his confession, the name of the petitioner has come, he is having a 'garage' that is why, he has been implicated in this case. Upon knowledge, he himself has surrendered whereafter remanded in four other cases. Further, submission is that no T.I. Parade has been conducted.



5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent.

6. Considering his submissions put forward by the learned Counsel for the petitioner as also that there has not been any recovery from his conscious possession, he is in custody since 24.05.2023 (as stated in paragraph 13 of the bail application), this Court is inclined to extend him privilege of bail but only after framing of the charges.

7. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned J.M. 1st Class, Katihar in connection with Pranpur P.S. Case No. 52 of 2020, 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 month for next one year 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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