

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58617 of 2023**

Arising Out of PS. Case No.-130 Year-2023 Thana- KISHANGANJ District- Kishanganj

Kadir Perwez @ Kadir S/O Noor Islam R/O Village- Dharamganj, Ps.  
Kishanganj, Dist. Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      14-09-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner seeks bail, who is in custody since 16.05.2023, in connection with Kishanganj P.S. Case No. 130 of 2023, F.I.R. dated 28.03.2023 registered for the offences punishable under Sections 413, 414 of the Indian Penal Code.

3. The prosecution case, in brief, is that the informant along with police personnel on 28.03.2023 at about 4:00 A.M. was on patrolling and received information that many people are buying and selling stolen goods at Ankit Kumar's house and when police team reached there then 7-8 persons ran away from his house but one person was present and on asking his name he told Gopal Rai who is father of Ankit Kumar. During search total 196 goods recovered but no document was produced by him. The police team inquired about the recovered goods from Gopal Rai,



he told that my son Ankit Kumar and other persons including the petitioner bring stolen goods and distributed in my house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the name of the petitioner has been transpired only on the basis of disclosure made by co-accused Gopal Rai and nothing has been recovered from the conscious possession of the petitioner and the petitioner was not apprehended from the place of occurrence. He further submits that except the disclosure made by co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in all the cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 130 of 2023, 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 witness, 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 antecedents, 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.

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**(Rajesh Kumar Verma, J)**

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