

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59509 of 2022

Arising Out of PS. Case No.-200 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

Md. Abrar, Son of Md. Abdul Majid, R/o Village- Bakhari Chowk, Harpur
Bakhari, P.S.- Ahiyapur, Distt.- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 27-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Bochahan P.S. Case No.200 of 2022, registered for the
offences punishable under Sections 412, 413, 467, 468, 471
and 120(B) of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that the informant/Arvind Prasad/Officer-in-charge, Sakra
Police Station, on a secret information, rushed towards
Mrradpur over-bridge and arrested two persons/ Md. Abrar
and Abhishekk Kumar. However, five persons were
successful in fleeing away. It is alleged the the accused
persons were involved in the sale of theft motorcycles.



Moreover, the arrested persons themselves confessed their indulgence in the alleged occurrence.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that search and seizure has not been made as per the procedure as prescribed under Section Cr. P.C.

He further submits that the petitioner has been languishing in jail since 05.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of Ld. Smt. Tanya Patel, J.M. 1st class, Muzaffarpur, in connection with Bochahan P.S. Case No.200 of 2022, **after framing of charge, if not already framed**, subject to the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has



concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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