

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59264 of 2023

Arising Out of PS. Case No.-73 Year-2020 Thana- PRANPUR District- Katihar

MD. AKMAL @ AKMAL @ MOHAMAD AKMAL son of Atabul Rahman
@ Ataur Rahman Village- Basantpur Diyara Ps- Amdabad Dist- katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. 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 05-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Pranpur P.S. Case No. 73 of 2020 for the offence under section 379 of the Indian Penal Code lodged on 16.04.2020 by the informant, Kundan Rishi.

3. As per the prosecution story, the allegation is that his motorcycle which was present outside the house, was stolen and further claimed that the same has been taken by the named accused. Subsequently, his name came in the confessional statement of Md. Fateh. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that his name came in the confessional statement of Md. Fateh, nothing has been recovered from his conscious possession and is in custody since 24.05.2023.



5. Learned APP opposes the prayer for bail stating that he has criminal antecedent of the same nature.

6. Taking into account the fact that his name has come in the confessional statement and nothing has been recovered from his possession, is in custody since 24.05.2023, this Court is inclined to extend him the privilege of bail only after framing of the charge in view of the fact that he has criminal antecedent.

7. Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M.-1st Class, Katihar, in connection with Pranpur P.S. Case No. 73 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/her 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 fortnight for six months to mark his 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 the 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 his bail bonds.

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

(Rajiv Roy, J)

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