

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60047 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- FALKA District- Katihar

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MOHAMMAD MIRAJ @ MD. MIRAJ Son of Md. Sadik MOHALLA
BHAWANIPUR, BHAWANI DEVI TOLA, P.S. BHAWANIPUR, DISTT -
PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Falka (Pothia) P.S. Case No. 125 of 2023 for the offence punishable under Sections 413, 34 of the Indian Penal Code and 25(1-b)a/26/35 of the Arms lodged on 26.4.2023 by the informant, Sanjay Pandey.

3. As per the prosecution story, the police intercepted the motorcycle while Md. Rahul managed to escape, as named by the petitioner, he was apprehended. Further, since the document could not be produced, later it came to know that those are the stolen motorcycle. Accordingly, the FIR.

4. It is the case of the petitioner that that he was a pillion rider, little realizing that the motorcycle that was being



driven by Md. Rahul, was a stolen motorcycle. He has suffered by being in custody since 27.4.2023 (para-13 of the bail petition) and do not have criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account the allegation, the submission put forward by the learned counsel for the petitioner, he do not have criminal antecedent and is in custody since 27.4.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Katihar, in connection with Falka (Pothia) P.S. Case No. 125 of 2023 (G.R. No. 2265/2023) 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 fortnight for next 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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