

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63053 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- SASARAM NAGAR District- Rohtas

MD. NADIM ALAM @ NADIM SULEMANI Son of Rafique Alam @
Mohammed Rafique Quraishi Resident of Village- Mogalplura, P.S.-
Sasaram(T), District- Rohtas Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 413 and 414 of the Indian
Penal Code.

According to prosecution case, the allegation against
the petitioner is to deal in stolen property and, as such, found in
possession of two motorcycles, alongwith other co-accused
persons.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the name
of the petitioner came in the present case on the basis of
disclosure made by co-accused namely, Md. Shahnawaz @
Saifali. He further submits that nothing incriminating article has



been recovered from the conscious possession of the petitioner rather the so called recovery has been made from the front of the house of the petitioner and the petitioner has no concern at all with the alleged recovery of motorcycle in question and co-accused, namely, Md. Shahnawaz @ Saifali has been granted bail by a co-ordinate Bench of this Court vide order dated 03.11.2022 passed in Cr. Misc. No.38289 of 2022, other co-accused namely, Shahjad Miya @ Chiya @ Shahjaha Aalam has been granted bail vide order dated 29.09.2022 passed in Cr. Misc. No. 37563 of 2022 and co-accused namely, Md. Rustam has been granted bail vide order dated 13.12.2022 passed in Cr. Misc. No. 49736 of 2022. The police after investigation submitted charge sheet against the petitioner. The petitioner is in custody since 16.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sasaram (T) P.S. Case No.130 of 2022, 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 witnesses, 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 antecedent, 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.

(Rajesh Kumar Verma, J)

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