

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67715 of 2022**

Arising Out of PS. Case No.-691 Year-2021 Thana- BAGHA District- West Champaran

Zibran @ Jibran S/O Md. Mukhtar R/O Village- Nauka Tola, P.S- Kotwali
Padrauna, District- Kushinagar (U.P)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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

2 23-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 379 of the Indian Penal Code
but the police after investigation submitted the charge sheet
under Sections 379, 411, 413, 414/34 of the Indian Penal Code
against the petitioner.

According to prosecution case, the informant parked
his vehicle at his door and went to sleep but when he woke up,
he found that his vehicle is missing. It is further stated that he
tried to trace the vehicle but remained failed.

Learned counsel for the petitioner submits that for the



present occurrence, another case i.e. Kotwali Padrauna (U.P.) P.S. Case No. 02 of 2022 has been instituted against the petitioner and other accused persons. He further submits that the petitioner was apprehended in Padrauna (U.P.) P.S. Case No. 02 of 2022 along with other accused persons for the same occurrence and granted bail in the Kotwali Padrauna (U.P.) P.S. Case No. 02 of 2022. He further submits that the petitioner was remanded in the present case on 23.08.2022 and since then he is languishing in jail. He further submits that the informant has filed an application for release of his vehicle in question before the learned court of learned Chief Judicial Magistrate, Kushinagar (U.P.) which was allowed in favour of the informant.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Bagaha



(Pathkauli) P.S. Case No. 691 of 2021, 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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