

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63691 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- RAXAUL District- East Champaran

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HALIM MIAN @ HALIM MISTRI @ HAKIM MIYAN Son of Kitab Ansari
Resident of Village- Adodeyi, P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 20.08.2022 in connection with Raxaul P.S. Case No. 165 of 2021, F.I.R. dated 02.04.2022 registered for the offence punishable under Sections 379,411,414,467,468,471,34 of IPC.

The case relates to recovery of one stolen Bolero vehicle from Garage of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the petitioner was not arrested on the spot and nothing incriminating article has been recovered from conscious possession of the petitioner and the vehicle in question was recovered from the



Garage of the petitioner and the said vehicle was given by the customer for repairing/servicing and in absence of the petitioner, the police has seized the vehicle in question and lodged the case against the petitioner and the petitioner has no knowledge about the stolen vehicle and the petitioner is in good faith, he has received the vehicle for repairing/servicing and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Raxaul P.S. Case No. 165 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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