

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68376 of 2023

Arising Out of PS. Case No.-733 Year-2021 Thana- MASAUDHI District- Patna

MD. ASALAM @ MD. ASALAM SHAH SON OF LATE AJEEM SHAH
RESIDENT OF BARHM ASTHAN TALAB, P.S. - VISHNUPAD,
DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Adv

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Masaurhi P.S. Case No. 733 of 2021 registered on 30.12.2021
lodged under Sections 379 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against unknown accused persons against whom there is
an allegation of committing theft of Mahindra Mini Truck.

4. Counsel for the petitioner submits that name of the
petitioner has been figured in this case by virtue of confessional
statement of the co-accused.

5. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that petitioner



is in custody since 18.04.2023 having one criminal case pending against him, in which he is on bail and the said case is of Excise Act. Counsel further submits that nothing incriminating has been recovered from the possession of the petitioner nor he was put on TIP.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Masaurhi, Patna in connection Masaurhi P.S. Case No. 733 of 2021 subject to the following conditions as well as the conditions laid down under Section 437(3) of the Cr.P.C.

(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 bonds by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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