

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.65165 of 2022

Arising Out of PS. Case No.-196 Year-2018 Thana- ISHAKCHAK District- Bhagalpur

Md. Zakir Son of Md. Atik R/v- Lodipur, P.S.- Lodipur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2023 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, 414, 420/34 of the Indian Penal Code.

According to prosecution case, in brief, is that when the informant during night patrolling reached near Rickshaw Khatal, he saw a black Bullet motorcycle without registration number was parked and three youths were standing over there and on being asked they disclosed their names as Anuj Kumar, Jafar Anwar and Md. Mazid Yasin. On being asked, Anuj Kumar told that month ago he had purchased the said bullet motorcycle from Md. Riaz @ Tinku at a price of Rs.40,000/- and he was told that paper would be given later on. It is further alleged that engine number and chasis number of the Bullet motorcycle was tampered. Accordingly, the said bullet motorcycle was seized



and thereafter on disclosure of Md. Akhlak, one TVS motorcycle was recovered from his house and one Hero Honda motorcycle was found from the house of Md. Riaz @ Tinku.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP was conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Md. Reyaz @ Md. Reyaz @ Tinku has been granted bail by a co-ordinate Bench of this Court vide order dated 11.01.2019 passed in Cr. Misc. No. 79623 of 2018. The petitioner is in custody since 06.11.2018.

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

Considering the aforesaid facts and circumstances as well as period of custody, 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 Ishakchak P.S. Case No. 196 of 2018, 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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