

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69475 of 2022

Arising Out of PS. Case No.-381 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

MD. SONU Son of Late Md. Murtuza R/v- Chandwara Soda Godam, Chhit
Bhagwatipur Ward 14, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Masoom Alam, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2023 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 401, 413, 414 and 120(B) of
the Indian Penal Code.

According to prosecution case, the petitioner along
with other co-accused persons were apprehended by the police
with the stolen motorcycle. It is also alleged that the petitioner
and other co-accused persons are indulged in the act of selling
and stealing motorcycles and stolen motorcycles are used to sell
in Nepal.

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



allegation as alleged in the F.I.R. is false and fabricated. He further submits that in fact the petitioner was arrested with other co-accused persons but he has no concern at all with the alleged recovery of stolen motorcycle. He further submits that the petitioner was arrested along with other co-accused persons and the petitioner was a pillion rider and the similarly situated, co-accused persons, namely, Md. Javed has been granted bail by a co-ordinate Bench of this Court vide order dated 17.11.2022 passed in Cr. Misc. No. 42786 of 2022 and Md. Tanjir has been granted bail vide order dated 17.11.2022 passed in Cr. Misc. No. 42799 of 2022 and co-accused namely, Md. Taj has been granted bail vide order dated 09.12.2022 passed in Cr. Misc. No. 50735 of 2022 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 01.05.2022.

The learned Additional Public Prosecutor for the State 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 Nagar P.S.



Case No.381 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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