

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69153 of 2022

Arising Out of PS. Case No.-372 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Shahanshah Alam @ Shanshah Alam, son of Abdul Ansari, R/O Village- Ward
No-3, Mirganj, P.O and P.S- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Shrivastwa, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 414/34 of the Indian Penal
Code.

The prosecution case, in short, is that the informant
received information that some people were going to Uttar
Pradesh from Gopalganj from stolen Bolero vehicle for taking
wine. On search, two persons were caught hold and other two
persons succeeded in fleeing away and the arrested two persons
disclosed their names as Shahanshah Alam and Vivek Kumar.
On enquiry, they disclosed that Niraj Yadav and Sachin Baitha
fled away and it is a stolen vehicle and use to said vehicle for
taking wine.



Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that in fact the petitioner was the passenger in the vehicle in question and the petitioner has committed no offence as alleged in the F.I.R. and he was apprehended with the stolen *Bolero* vehicle. He further submits that the petitioner has no concern with the stolen vehicle in question and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.08.2022.

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

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kuchaikote P.S. Case No. 372 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 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 witness, 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 antecedents, 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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