

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3903 of 2023

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

MD. FAIYAZ Son of Md. Munna Resident of village - Gajipur, Bhakhhitola,
P.S.- Bathnaha, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar,Advocate
For the Opposite Party/s : Mr.Bharat Bhushan,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 Heard learned counsel appearing for the petitioner
and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
01.05.2022 in connection with Muzaffarpur Town P.S. Case No.
381 of 2022, F.I.R. dated 30.04.2022 registered for the offence
punishable under Sections 401,413,414,120(B) of IPC.

3. As per prosecution case, the informant got secret
information that a gang who are indulged in stealing motorcycle
have been seen. The informant with other police official reached
on the place of occurrence and after seeing the police force, six
persons on three motorcycles started to flee away but four
persons have been apprehended and two persons including the
petitioner have been succeeded to escape from there.



4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that merely on the basis of suspicion, the name of the petitioner has been implicated in the present case and nothing has been recovered from conscious possession or the house of the petitioner and except the suspicion, no other material has during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 01.05.2022.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries five more cases other than the present one but fairly submits that out of five cases, the petitioner is on bail in two cases and rest three cases are pending for consideration, as mentioned in para-3 of the bail petition.

6. 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, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 381 of 2022, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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