

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74182 of 2022

Arising Out of PS. Case No.-637 Year-2021 Thana- ARARIA District- Araria

Md. Belal @ Belal S/O Salim Ansari @ Md. Salim Ansari R/O Village-
Araria Basti Baigachhi, P.S- Baigachhi O.P (Araria), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 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 and 34 of the
Indian Penal Code.

According to prosecution case, it is alleged that police
officer got information that the wanted accused/petitioner herein
in his confessional statement had disclosed the name of Albadar
and Jamshed, who all have committed theft of red colour
motorcycle from Ashram Road, Araria and handed it over to
petitioner, Md.Belal for selling it out. On enquiry, Md. Belal
disclosed that the name of co-accused Albadar and Jamshed had
parked the stolen motorcycle at his shop and with the help of co-
accused Md. Raja and Sahnawaz, the same was sold to Md.



Jalal. Accordingly, the accused persons were arrested.

Earlier the bail petition of the petitioner was rejected vide order dated 09.05.2022 passed in Cr. Misc. No. 64401 of 2021.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of suspicion. He further submits that only on the basis of self confessional statement of the petitioner, the bullet motorcycle has been recovered. He further submits that during pendency of the bail petition a charge has been framed against the petitioner on 06.07.2022. He further submits that similarly situated, co-accused, namely, Jamshed has been granted bail vide order dated 24.08.2022 passed in Cr. Misc. No. 22546 of 2022 and another co-accused person, namely, Faisal Murtaza @ Faisal has been granted bail vide order dated 24.08.2022 passed in Cr. Misc. No. 27769 of 2022. The petitioner is in custody since 27.07.2021.

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



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 Araria P.S. Case No. 637 of 2021, 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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