

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74661 of 2022

Arising Out of PS. Case No.-367 Year-2022 Thana- DUMRA District- Sitamarhi

MD. NIZAM S/O ALI IMAM NADAF Resident of village- Bhalhi, Ward No-13, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 09.08.2022 in connection with Dumra P.S. Case No. 367 of 2022, F.I.R. dated 09.08.2022 registered for the offence punishable under Sections 413,414 of the Indian Penal Code.

The case relates to recovery of one stolen motorcycle from possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that as per allegation, the petitioner was apprehended with a stolen motorcycle. Further submits that in fact nothing has been recovered from conscious possession of the petitioner rather the police has planted the same and shown



the recovery has been made from possession of the petitioner and the petitioner has no concern at all with the alleged recovery of stolen motorcycle and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one, but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, 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 I/c, Sitamarhi in connection with Dumra P.S. Case No. 367 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/her absence on two consecutive dates without sufficient reason, his/her 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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