

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5564 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- BODHGAYA District- Gaya

1. Md. Nazim @ Nazim Alam S/O Md. Samiuddin Village/Muhalla- Narkatiya, Ps. Bodhgaya, Dist. Gaya.
2. Sammi Akhtar @ Sonu S/O Shamiuddin Village/Muhalla- Narkatiya, Ps. Bodhgaya, Dist. Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Bodhgaya P.S. Case No. 338 of 2023 dated 14.04.2023 instituted for the offence punishable under Sections 414, 467, 468 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the co-accused is alleged to have kept a bullet motorcycle and is planning to sell the parts of it. On secret information received from higher officials, the informant with other police officials, made a search and recovered the stolen motorcycle from the house of the co-accused, namely, Md. Shamshad.



4. Learned counsel for the petitioners submits that the petitioners are innocent and on the basis of confessional statement, they have been made accused in this case. It is submitted that nothing has been recovered from the house or from the conscious possession of the petitioners, but when co-accused Md. Shamshad confessed the name of Md. Nawab, thereafter, Md. Nawab Khan disclosed the name of both the petitioners. Furthermore, petitioner no. 1 has no criminal antecedent whereas petitioner no. 2 has one criminal antecedent against him and he has been acquitted from the aforesaid case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Bodhgaya P.S. Case No. 338 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate – Ist Class, Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C, subject to the following conditions:-



i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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