

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6401 of 2024

Arising Out of PS. Case No.-262 Year-2021 Thana- SIKTI District- Araria

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JAINUDDIN @ JAINUDDIN @ MD. JAINUDDIN Son of Md. Idrish
Resident of Village-Bokantari, Ward No. 04, P.S.-Sikti, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Alka Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-04-2024 Heard Mrs. Alka Singh, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Sikti P.S. Case No. 262/2021 instituted under Sections 413, 414, 420, 467, 468, 471 of the Indian Penal Code and section 3/10 of the Conservation of Smuggling Activities Act, 1974, 3/13 of Foreign Exchange Management Act, 1999 lodged on 30.12.2021 by the informant, Janeshwar Singh.

3. As per the prosecution story, the S.S.B., Araria lodged the FIR through its ASI, Janeshwar Singh alleges that he intercepted a four wheeler coming from Nepal and recovered/seized Indian as well as Nepali currency. Parvez Alam and Jitendra Ram who were in the car were arrested and



as they failed to provide account of the amount, the FIR lodged.

4. Learned counsel for the petitioner submits that neither he was inside the car nor there is any recovery from him. The two accused who were under the police custody, made confession in which dragged this petitioner stating that he used to sell/purchase the stolen cars which is sold to the natives of Nepal.

5. Mrs. Singh submits that the petitioner has no criminal antecedent of such nature though he has criminal antecedent, the same relates to land dispute with his own relatives.

6. Learned APP opposes the prayer stating that his name has come in the confessional statement.

7. Considering the submissions put forward by the parties as also that the recovery/seizure is from the Parwez Alam and Jitendra Ram, on their confession, the name of the petitioner has cropped up and he do not have criminal antecedent of such nature, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each in connection with Sikti P.S. Case No. 262/2021 to the satisfaction of learned Chief Judicial Magistrate, Araria subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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