

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16303 of 2024

Arising Out of PS. Case No.-56 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Md. Khan @ Mohd. Rabban Son of Late Mohd. Oli Resident of Saharsa Basti
Ward No. 39 Nagarparishad Saharsa P.S. and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Saharsa Sadar P.S. Case No. 56 of 2023 instituted under Section 379 of the Indian Penal Code lodged on 25.1.2023 by the informant, Md. Hasan.

3. As per the prosecution story, the informant alleged that while he had gone to Saharsa Sadar Police Station to mark his attendance, his motorcycle went missing. Later, during investigation, the motorcycle was recovered from the courtyard of the house of the petitioner, as such, his implication.

4. Learned counsel for the petitioner submits that he is an aged person, allegedly the son is also implicated in this case, allegation is having brought the stolen motorcycle to the house, he have been dragged in only because he is father of Md.



Sakeel.

5. Learned APP opposes the prayer stating that the recovery is from the courtyard of the house of the petitioner.

6. Considering the fact that the petitioner is 76 years of age, son has already been made accused, will be diligently appearing in the trial, this Court is inclined to extend his privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of her 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. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Saharsa Sadar P.S. Case No. 56 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Saharsa 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 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;

(v) 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)

Ravi/-

U		T	
---	--	---	--

