

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17420 of 2024

Arising Out of PS. Case No.-13 Year-2016 Thana- RAMGARHWA District- East Champaran

Md. Nazir Mian @ Nazir Miyan, Son of Md. Islam Mian @ Gulten Mian,
Resident of Village- Kajipura, P.S.- Piprakothi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Rina Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Ramgarhwa P.S. Case No. 13/2016 lodged on 18.02.2016 under
Sections 395 and 397 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against six unknown accused persons with an allegation
of committing dacoity of an oil tanker.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is not named in the FIR rather his name has figured in
this case by virtue of the confessional statement of a co-accused,
Baleshwar Sahni who has been granted bail by a co-ordinate



Bench of this Court vide order dated 11.01.2017 passed in Criminal Miscellaneous No. 53217 of 2016 while other similarly situated co-accused persons have been granted bail vide orders dated 16.08.2016 and 16.09.2016 passed in Criminal Miscellaneous No. 25736 of 2016 and Criminal Miscellaneous No. 32198/2016 respectively. The petitioner is in custody since 06.01.2024 and is accused in one more criminal case, in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only after framing of charge, if not framed** as well as on being satisfied that the petitioner is not absconding in Piprakothi P.S. Case No. 172/2023, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Raxaul, East Champaran, Motihari, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

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



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 bonds by the Trial Court itself;

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

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

(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 the bail bonds.

(Dr. Anshuman, J)

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