

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28196 of 2024

Arising Out of PS. Case No.-711 Year-2023 Thana- PHULWARISHARIF District- Patna

Md. Naushad S/o Md. Nizam R/o Sangi Masjid, P.s. - Phulwarisharif, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Shekhar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Phulwarisharif P.S. case No. 711 of 2023 instituted for the offences under Sections 414, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that police got secret information that some miscreants were indulged in sale/purchase of stolen motorcycle in a field situated near Adhapa Mohalla Tower in Federal Colony. On this information, police conducted raid and apprehended four persons including this petitioner and seized a stolen motorcycle from the said place.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case merely on suspicion. No incriminating/looted article has been recovered from the conscious possession of the petitioner rather the recovery of the said vehicle has been made from an open place accessible to local people. He further submitted that petitioner has got no concern with the motorcycle in question. There is no compliance of Section 100 of the Cr.P.C. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.05.2023 and has six criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, no recovery from the possession of the petitioner as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwarisharif P.S. case No. 711 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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