

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30783 of 2024**

Arising Out of PS. Case No.-155 Year-2023 Thana- PIRO District- Bhojpur

TAHIR HUSAIN SON OF MUMTAJ ANSARI RESIDENT OF VILLAGE -  
BANDHWAN, P.S. - TARARI, DISTRICT - BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      21-06-2024                      Heard the parties.

2. The petitioner is in custody in connection with Piro P.S. Case No. 155 of 2023 for the offence punishable under section 379 of the Indian Penal Code lodged on 10.04.2023 by the informant, Subhash Chandra Singh.

3. As per the prosecution story, the allegation is that the informant was attending a training session for census at Town Hall, Piro after parking his motorcycle inside his campus. However, subsequently it went missing and accordingly, the FIR.

4. During investigation, the petitioner was picked up and on his confession, the other accused persons were also named. Further, there was also recovery of a motorcycle from his possession in connection with Piro P.S. Case No. 115 of



2023.

5. Learned counsel for the petitioner submits that though in the present case, he is in custody after remand since 27.05.2023 (paragraph-17 of the petition), the recovery of motorcycle so far as the present case is concerned, the same is not been from his side. The police though alleges that the motorcycle recovered, it is in connection with Piro P.S. Case No. 115 of 2023.

6. Learned APP on the other hand submits that he has criminal antecedent of the same nature.

7. Though the petitioner has criminal antecedent of the same nature, in the present case according to him, there is no recovery of motorcycle from his possession and he is in custody since 27.05.2023, charge-sheet stands submitted, this Court is inclined to extend him the privilege of bail with conditions.

8. If, however, it is found that in the present case also, the motorcycle was recovered pursuant to his confession, the order shall become infructuous.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara, in connection with Piro P.S. Case No.



155 of 2023 subject to the following conditions:

- (i) one of the bailor should be the family member/relative 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 appear before the concerned police station every fortnight for one year to mark his attendance;
- (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)

Adnan/-

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