

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33515 of 2024

Arising Out of PS. Case No.-178 Year-2022 Thana- PAKRIDAYAL District- East Champaran

Md. Mahatab @ Golki Son of Sah Alam Resident of Village - Shikarganj,
P.S.- Shikarganj, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 05-07-2024 Heard Ld. counsel for the Petitioner and Ld. APP for
the State.

2. The petitioner seeks bail in connection with Pakaridayal Police Station Case No. 178 of 2022, dated 09.07.2022, registered for the offences punishable under Sections 413, 414 and 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that on information that some persons are trying to sell a stolen motorcycle, the police reached at the place of occurrence but they managed to flee away taking the stolen motorcycle. However two accused persons were arrested, from whom, one master key was recovered.

4. Ld. counsel for the Petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that the name of the petitioner has transpired only in the confessional statement of other co-accused. He also submits that the petitioner was neither present nor arrested at the place of occurrence. He further submits that no incriminating article has been recovered from the possession of the petitioner. He further submits that similarly situated co-accused Md. Irshad has already been enlarged on anticipatory bail by this Court vide order dated 23.08.2023 passed in Cr. Misc. No. 50641 of 2023.

5. It is also stated in paragraph no. 4 of the bail petition that the petitioner has been languishing in jail since 08.11.2023.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in this case.

7. It has further been stated that the petitioner has been made accused in three other cases.

8. However, the learned APP for the State vehemently opposes the prayer for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the



sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, East Champaran at Motihari, in connection with Pakaridayal Police Station Case No. 178 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

Chandan/
Ravishankar-

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