

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49884 of 2024

Arising Out of PS. Case No.-717 Year-2020 Thana- MUFFASIL District- West Champaran

Md. Naushad @ Naushad Alam Son of S.K. Sajjad @ Sheakh Sajjad R/O
Vill.- Bela Sheikhtoli, Ward No. 9, P.S. Ramgadhwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nafisu Zzoha, Adv. Ms.Rabia Gulnaz, Adv.
For the Opposite Party/s	:	Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bettiah (M) P.S. Case No. 717 of 2020 registered for the offences punishable under Section 379 of the Indian Penal Code.

3. As per prosecution case, informant's Scorpio vehicle has been stolen by unknown person.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as alleged in the FIR. He further submits that petitioner has been falsely implicated in altogether five cases on a single day without any reason or basis. The act of police indicates the highhandedness how the petitioner has been falsely implicated



in the present case. He further submits that no incriminating article has been recovered from his possession. He further submits that petitioner is not named in the FIR and his name has been surfaced in this case upon the confessional statement of co-accused Ramlal Sah and except confessional statement of said co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No TIP has been conducted as yet. Petitioner voluntarily surrendered before the trial court on 20.03.2024 in connection with present case and since then he is in custody. Learend counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Ramlal Sah, upon whose confessional statement, name of petitioner surfaced in this case, has already been granted bail vide Cr. Misc. No. 43511 of 2022 and case of present petitioner stands on better footing and hence, he deserves the same treatment.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking



into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah (M) P.S. Case No. 717 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

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