

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47066 of 2024

Arising Out of PS. Case No.-736 Year-2020 Thana- MUFFASIL District- West Champaran

Md. Naushad @ Naushad Alam Son of S.k. Sajjad @ Sheakh Sajjad Resident
of village - Bela Sheikhtoli, Ward No.- 9, P.S.- Ramgadhwa, District - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 04-10-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bettiah (M) P.S. Case No. 736 of 2020 dated 25.11.2020, lodged
under Sections 328, 379 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
three unknown accused persons against whom there is an
allegation that they have stolen the informant's vehicle.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that petitioner is not named in the FIR and his
name petitioner has been figured in this case only by virtue of
the confessional statement of the co-accused. Counsel further



submits that other co-accused persons have been granted bail by this Court *vide* order dated 20.09.2022 passed in Cr. Misc. No.36073 of 2022 as well as by the Co-ordinate Bench of this Court *vide* order dated 14.09.2021 passed in Cr. Misc. No.35714 of 2021. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are four criminal cases pending against him. The petitioner is in custody since 20.03.2024 in the present case.

5. Learned Counsel for the petitioner further submits that once petitioner's name has been figured in this case thereafter, police has inserted his name and taken remand in four more cases. Counsel submits that the petitioner voluntarily surrendered on 20.03.2024 in this case. Counsel submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case, let the petitioner above named be granted bail, but only after framing of charge, if not framed as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are mentioned below,



and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah (M) P.S. Case No. 736 of 2020, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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.



8. Pending cases against the petitioner are as follows:-

- Bettiah (M) Banuchhapar P.S. Case No. 721 of 2020
- Gopalpur P.S. Case No. 189 of 2020
- Bettiah (M) P.S. Case No. 717 of 2020
- Gopalpur P.S. Case No. 184 of 2020

(Dr. Anshuman, J)

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