

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54620 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- Sri Nagar District- Purnia

1. Md. Irfan S/o Md. Moim@Md.Moin R/o Mohalla - Junni Kala, ward no. 13,
P.S. - K. Nagar, Distt. - Purnia
2. Manjur@Md.Manjur S/o Muslim R/o Mohalla - Junni Kala, ward no. 13,
P.S. - K. Nagar, Distt. - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-08-2024 Heard Mr. Vikram Singh, learned Advocate for the
petitioner and Mr. Bharat Lal, learned APP for the State.

2. Application for grant of regular bail on behalf of
the petitioners, who are in custody in connection with Srinagar
P.S. Case No.18 of 2024 registered for the offence punishable
under Sections 379/411/34 of the Indian Penal Code.

3. While the police personnels were on patrolling
duty, they intercepted the petitioners who were coming on a
motorcycle. The motorcycle is said to be a stolen property; on
demand the petitioners could not produce any documents and as
such the present FIR was instituted.

4. Learned Advocate for the petitioner contended that
the motorcycle in question belongs to one, Kunal Kumar of their
village and on the alleged date of occurrence they had taken the



motorcycle on his permission, however, the police intercepted them and on suspicion the present FIR have been instituted. It is next contended that there is no FIR or complaint with regard to the theft of the motorcycle in question preceding the present FIR and as such no case much less under Section 379/411/34 is made out. It is also the contention of the petitioners that they don't have any criminal antecedent on their credit and now have been incarcerated since 21.04.2024, though the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners were apprehended with the stolen motorcycle.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and now the investigation of the crime is complete and the charge-sheet have been submitted coupled with the fair antecedent of the petitioners, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Purnea in connection with Srinagar P.S. Case No. 18 of 2024, subject to the condition that one of the bailors will be the



close relatives of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.
- (v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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