

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50391 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- KASBA District- Purnia

Md. Rafique Alam, S/O Abdul Kaium, R/O Village- Pankhoua, P.S- Jalalgarh,
Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard Mr. Bijendra Kumar Singh, learned Advocate
for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kasba P.S. Case No. 104 of 2024 registered
for the offences punishable under Sections 413, 414 of the
Indian Penal Code.

3. The police on a confidential information, raided the
scrap shop of the petitioner and on search one motorcycle
without having registration number and other parts of vehicles
have been recovered.

4. Learned Advocate for the petitioner contended that
from the F.I.R., it is evident that the petitioner is the owner of
scrap shop, from where entire recovery has been made.
However, it has not been disclosed that the recovered material is



the subject matter of which crime. It is further contended that the present case is not preceded by any F.I.R. or complaint, that apart the petitioner is a man of fair antecedent and, as such, there is no application of Section 413 of the Indian Penal Code which attracts when a person habitually receives or deals in stolen property. So far Section 414 of the I.P.C. is concerned that is triable by Magistrate. Moreover, the petitioner is in custody since 05.05.2024 and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no material suggesting the recovered articles were stolen property, coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Kasba P.S. Case No. 104 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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