

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54378 of 2024

Arising Out of PS. Case No.-927 Year-2022 Thana- ARARIA District- Araria

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Noor Mohammad @ Nur Mahammad S/O Md Shamim Mastan @ Shah Shamim @ Sah Samim R/O Village-Baijnathpur, Ward No 8, Dholbaja, P.S. Forbesganj, Distt-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Naushaduzzoha, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Araria P.S. Case No. 927 of 2022 dated 31.10.2022, instituted for the offence punishable under Sections 379 of the Indian Penal Code. Later on Sections 414 and 411 of I.P.C was also added.

3. As per the FIR, on 30.10.2022, the informant parked his motorcycle in front of town hall under the baniyan tree and went for some necessary work. When he returned after sometime, his vehicle was stolen by unknown persons.

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



case. It is further submitted that petitioner is not named in the FIR and only on the basis of confessional statement made by Ali Raza, the petitioner has been made accused in this case. It is further stated that nothing has been recovered from the house of the petitioner. It is further submitted that stolen motorcycles were recovered from garage of one Md. Rehan. It is next submitted that petitioner has no concern with the said accused person. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Araria P.S. Case No. 927 of 2022, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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