

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55048 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- TERHAGACHH District- Kishanganj

1. Naushad Alam @ Naushad Alim Son of Asaru R/o Village- Dahibhat, P.S.- Terhagachh, District- Kishanganj
2. Sabir Alam Son of Late Alimuddin R/o Village- Bilayatibari, P.S.- Palasi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-12-2024 Heard the parties.

2. The petitioners are in custody in connection with Terhagachh P.S. Case No. 42 of 2024 for the offence punishable under Sections 413, 414 and 34 of the Indian Penal Code, lodged on 15.05.2024 by the informant, Dhanji Kumar.

3. As per the prosecution story, the informant alleged that while patrolling, it conducted raid to recover the stolen goods of Terhagachh P.S. Case No. 40 of 2024 and from the house of the petitioners, number of gold/silver articles were recovered/seized which led to the present F.I.R.

4. Learned counsel for the petitioners submit that in the said earlier case, *i.e.* Terhagachh P.S. Case No. 40 of 2024, the petitioners are already suffering after lodging of the said case, this has resulted into multiplication of the F.I.Rs. The

petitioners are in custody since 15.05.2024 and if granted relief, both shall be leaving the district of their State to a neighbouring district for three months after providing all the details/police station location where they shall be presenting themselves every fortnight during the period of stay. Even after return, they shall be diligently appearing before the police station every fortnight for the next nine months.

5. Learned A.P.P. opposes the prayer for bail and submits that the petitioners have number of criminal antecedents and there is recovery of gold/silver articles from them.

6. Taking into account the aforesaid facts, as also the fact that earlier a case is already there relating to the stolen articles, they have remained in custody since 15.05.2024, will be ultimately facing the trial, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand only) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kishanganj, in connection with Terhagachh P.S. Case No. 42 of 2024, subject to the following conditions:

(i) one of the bailors should be the family

member/relative of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance in which three months to the concerned police station where he will stay and after coming back remaining nine to the concerned police station.

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J.)

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