

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67100 of 2024

Arising Out of PS. Case No.-534 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Wasim Khan @ Atiullah @ Dindablu @ Utullah, S/O Late Jamir Khan
Resident of Village- Khalispur, P.S.- Siwan Mufassil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Siwan Muffasil (Mahadeva OP) P.S. Case No. 534 of 2023, registered for the alleged offences under Sections 413 and 414 of the Indian Penal Code.

3. As per prosecution case, police received information about assembly of some miscreants near City Hospital, Siwan with stolen mobile and motorcycles in order to commit some crime. A raid was conducted and four persons were found standing on the road in front of City Hospital, Siwan who started fleeing away on seeing the police party. The petitioner and two other co-accused persons were apprehended after chase and one of the co-accused persons fled away. From this



petitioner, a Splendor motorcycle without number was seized.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that nothing incriminating has been recovered from the person/possession of this petitioner, who was apprehended after chase. The motorcycle was recovered near City Hospital and anybody could have left the motorcycle on that place. So the liability of the stolen motorcycle could not be fastened to the petitioner, who has been made accused in this case merely on the basis of his criminal antecedent as he is having criminal antecedent of four cases. The petitioner is in custody since 30.09.2023 and charge sheet has been submitted in this case.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan, in connection with Siwan Muffasil P.S. Case No. 534 of



2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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