

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68134 of 2024

Arising Out of PS. Case No.-267 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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Guddu Khan Son of Md. Majid Khan @ Md. Majid Resident of village-
Amapatti Police Station- Pator District -Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Verma, Adv.
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 04-12-2024 Heard Learned Counsel for the petitioner and

Learned A.P.P. for the State.

2. The present Criminal Miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”) for seeking regular bail in connection with Darbhanga Sadar P.S. Case No.267 of 2024 lodged on 10.07.2024 under Section 309(4) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the F.I.R. has been lodged against 3 named accused persons and one unknown accused person excluding the petitioner against whom there is an allegation of snatching of Scorpio vehicle of the informant.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that the police has arrested the petitioner on the basis of suspicion due to the reason that one Scorpio vehicle which was subject to theft has been recovered from the road outside of the house of the petitioner. He further submits that in the Sessions Court's order, it has come that petitioner's antecedent is not clean as in paragraph 44 of the case diary, antecedent is there. Counsel specifically submits that case diary which has been received, it has been intimated that there is no indication rather a communication has been made for obtaining the case diary. Therefore, the acknowledgment made by the Sessions Court in the rejection order of bail of the petitioner, is not correct.

5. Learned Counsel further submits that petitioner is in custody since 11.07.2024 having clean antecedent.

6. Counsel also submits that the two co-accused persons have been granted bail by the Co-ordinate Bench of this Court as well as by this Hon'ble Court vide order dated 30.09.2024 passed in Cr. Misc. No. 65322/2024 and dated 03.10.2024 passed in Cr. Misc. No. 72291/2024.

7. Learned Counsel for the State opposes the prayer for bail and submits that three accused persons are named in the F.I.R. and by virtue of confessional statement of co-accused



persons, the said vehicle has been recovered before the outside of house of the petitioner and seizure list has also been prepared in this case.

8. Counsel further submits that there is direct involvement of the petitioner, and therefore, his bail application may be rejected.

9. Upon specific query whether charge has been framed or not. Counsel for the petitioner submits that he is not aware about the framing of charge.

10. In the present facts and circumstances of this case and after considering this aspect that this case is magisterial triable in nature, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Darbhanga in connection with Darbhanga Sadar P.S. Case No.267 of 2024, subject to the following conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner 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 his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

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

(Dr. Anshuman, J.)

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