

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68246 of 2024

Arising Out of PS. Case No.-178 Year-2022 Thana- PAKRIDAYAL District- East Champaran

Md. Osaid Alam @ Arabaj Alam @ Md. Osaid @ Md. Arabaj Alam Son of
Md. Kuraban Alam @ Kurvan Miyan Resident of Village- Shikarganj, Ward
No. 07, P.S. - Shikarganj, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjana Srivastava, Advocate

For the State : Mr. Aditya Narayan Singh.1, |APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 27-09-2024 Heard Ld. counsel for the Petitioner and Ld. APP for
the State.

2. The petitioner seeks bail in connection with
Pakaridayal Police Station Case No. 178 of 2022, dated
09.07.2022, registered for the offences punishable under
Sections 413, 414 and 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is
that the Police on getting information that some persons are
trying to sell a stolen motorcycle, reached at the place of
occurrence and arrested two persons whereas two persons fled
away taking the stolen motorcycle and from one of the two
arrested persons, one master key was recovered.



4. Ld. counsel for the Petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the petitioner and his liberty has been curtailed without any legal basis. He further submits that similarly situated co-accused Md. Irshad and Md. Mahtab have been enlarged on bail by this Court vide order dated 23.08.2023 and 05.07.2024 passed in Cr. Misc. No. 50641 of 2023 and Cr. Misc. No. 33515 of 2024 respectively.

5. It is also stated in paragraph no. 7 of the bail petition that the petitioner has been languishing in jail since 20.01.2024.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in this case.

7. It has further been stated that the petitioner has been made accused in three other cases.

8. However, the learned APP for the State vehemently opposes the prayer for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the



sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, East Champaran at Motihari, in connection with Pakaridayal Police Station Case No. 178 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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