

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71991 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- ALAMGANJ District- Patna

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Jolly @ Shaifil Ahmad Son of Md. Shamim Ahmad @ Shami Ahmad
Resident of Mohalla -Dadarmandi Gulzarbagh, PS- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-10-2024 Heard Learned Counsel for the petitioner and
Learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No.1151 of 2023, arising out of Alamganj P.S. Case No.265 of 2023, lodged on 25.03.2023, under Sections 413/414 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioner. As per FIR it has come that all accused persons used to involve in committing theft of Motorcycle and Scooty. Specific allegation against the petitioner is that he was involved in selling of those Motorcycle and Scooty which was subject to theft.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



submits that the petitioner is in custody since 03.06.2023 and is accused in three more criminal cases, in which he is on bail. Learned Counsel further submits that section under which the case has been lodged is magisterial triable.

5. Learned Counsel for the State opposes the prayer for bail and submits that the petitioner is involved in selling the stolen Motorcycle and Scooty.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed, as well as on being satisfied by the Trial Court that petitioner is not absconding in the following cases, i.e., (i) Alamganj P.S. Case No.359 of 2021, (ii) Alamganj P.S. Case No.219 of 2021 and (iii) Alamganj P.S. Case No.280 of 2023,** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of A.D.J.-IV, Patna City, Patna, in connection with Sessions Trial No.1151 of 2023, arising out of Alamganj P.S. Case No.265 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure 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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