

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81950 of 2023

Arising Out of PS. Case No.-558 Year-2023 Thana- CIVIL LINE District- Gaya

MD. SHAMIM @ MD. SHAMIM ALAM SON OF LATE MD.
NEZAMUDDIN R/O OLD KARIMGANJ, RAIL GALI, P.S.- CIVIL LINE,
DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Civil Line P.S. Case No. 558 of 2023 registered for the offences
punishable under Sections 419, 420, 467 and 468 of the Indian
Penal Code.

3. As per prosecution case, during the course of
vehicle checking, one Honda motorcycle bearing registration
no. BR01FA7062 was stopped and rider of the said motorcycle
was asked for fine for riding the motorcycle without helmet and
challan of Rs. 1,000/- was received by the said rider and the said
challan was issued in name of owner of the said motorcycle, Raj
Kumar Gupta. After verifying through HHD machine, it was



disclosed by bodyguard of Dy. S.P. Traffic, Amit Kumar that the said motorcycle as well as the rider is wrong as the real owner of the said motorcycle gave message to senior official that his vehicle bearing registration no. BR01FA7062 is with him in district Vaishali and the real owner received message regarding challan in district Gaya. It is further alleged that someone is misusing the number plate of real owner by putting the same on another motorcycle. Hence, F.I.R. was lodged against unknown.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. The name of the petitioner has been surfaced upon the confessional statement of co-accused Md. Osama who has disclosed that he has purchased the said motorcycle from the petitioner. Except confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on the spot. Petitioner is in custody since 06.09.2023 and bears no criminal antecedent. Charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Gaya in connection with Civil Line P.S. Case No. 558 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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