

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79748 of 2023

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

MD. OSAMA MASOOD @ MD. OSAMA SON OF MASOOD ALAM R/O
MOHALLA- NAGMATIYA COLONY, ROAD NO. 4C, GAYA, POLICE
STATION- CIVIL LINE, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjawal Kumar Singh
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-01-2024 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 2022 registered for the offences
punishable under Sections 419, 420, 467 and 468 of the IPC.

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 the 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, FIR was lodged against unknown.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the present case upon self-confessional statement in which he confessed that he has purchased the motorcycle in question through garage owner, Md. Shamim, and he has no knowledge that the said motorcycle is not genuine one. He further submits that 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. He further submits that petitioner is quite innocent and has falsely been implicated in the case. He further submits that co-accused, Md. Shamim, has already been granted bail, vide Cr. Misc. No. 81950 of 2023, by this Court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently 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 the petitioner,



co-accused has already been granted bail, 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-1st Class, 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)

vashudha/-

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