

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83697 of 2023

Arising Out of PS. Case No.-333 Year-2023 Thana- PUPRI District- Sitamarhi

MD. JAHID SON OF MD. ISLAM R/O VILLAGE- GADHA, P.S.- PUPRI,
DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Pupri
P.S. Case No. 333 of 2023 registered for the offences punishable
under Section 414 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have
apprehended with motorcycle but on demand he did not produce
any paper regarding the said motorcycle. It is further alleged
that petitioner disclosed that he has stolen the said motorcycle
from Kotwa, district Motihari and after changing the number
plate he is driving the said motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR and he has falsely been implicated in this



case because of his criminal antecedent. Petitioner has been apprehended on the basis of suspicion and except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that petitioner confessed before the police which has no evidentiary value in the eye of law. Learned counsel orally submits that no one has come forward to claim the said motorcycle which has been recovered from possession of the petitioner. Petitioner is in custody since 10.08.2023. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of twelve cases. Learned counsel orally submits that petitioner is on bail in the said cases. There is complete violation of Section 100 of the Cr.P.C.

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, 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 Sub Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Pupri P.S. Case No. 333 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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