

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1471 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- PIPRA District- East Champaran

Md. Abbas Hussain, age about 56 years, male, S/o Md. Akhtar Hussain, R/o village-Chhapki, P.O-Sahpur Maricha, P.S-Maniyari, District-Muzaffarpur, Bihar, PIN- 844112

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2024 Heard Mr. Satish Kumar Pandey, learned counsel
appearing on behalf of the petitioner and Mr. Parmeshwar
Mehta, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Pipra P.S. Case No. 31 of 2023 dated 17.01.2023 registered
for the offence(s) punishable under Sections 406, 420, 379,
120B and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the
petitioner along with other co-accused were involved in illegal
trading of gas to be sold in black market from the cylinder of
Indian Oil.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and his name has



come in the present case on the basis of confessional statements of co-accused, namely, Arun Kumar Kushwaha and Jitendra Kumar, who were arrested at the spot. It is further submitted that the seized vehicle is not registered in the name of the petitioner and petitioner has also clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that the complicity of the petitioner in selling Indian Oil cylinder in black market cannot be ruled out and, as such, the petitioner don't deserve to be released on bail.

6. Having considered the rival submission made on behalf of the parties, as well as, the allegation made in the FIR, and also the fact that name of the petitioner has come in the present case on the basis of confessional statement of co-accused and petitioner has also clean antecedent, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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, Motihari in connection with Pipra P.S. Case No. 31 of 2023, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C., with a further condition **that the petitioner will file an affidavit before the court below that the vehicle in question is not registered in his name, nor he will engage in any crime in future and will not cause any loss to the public by supplying half filled cylinder.**

7. In case of failure of petitioner to file the affidavit to the said effect before the court below, this order will automatically lose its force.

8. The court below is also directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, in that event also, this order will automatically lose its force.

(Purnendu Singh, J)

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