

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.990 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- BIHARIGANJ District- Madhepura

Md Mustkim Jamil Ansari R/o- Village Kusthan, Ward No 3 PS- Bihariganj
Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bihariganj P.S. Case No. 227 of 2023, lodged on 10.09.2023
under Sections 379, 411 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons including the present
petitioner against whom there is an allegation of theft and
keeping the theft motorcycle in their possession.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the antecedent of the petitioner is clean and he
is in custody since 11.09.2023. Counsel further submits that
neither offence under section 379 of IPC nor section 411 of IPC



are made out.

5. Learned counsel for the petitioner also put emphasis that from the seizure list, it transpires that the said recovery of motorcycle has been made from the police station itself.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 227 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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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