

CNR NO. JHG M01-003541-2022
In the court of Sessions Judge, Gumla.
B. P. No. 1227 of 2022 in Ghaghra P.S. Case 07/2022
Mohamid Raza @ Munam Vs. State of Jharkhand

1. Serial No.	2. Date of Order of Proceeding	3. Order of the Signature of the Court	4. Office action taken with Date
	07-11-2022	Ld. Counsel for the Defence :- Sri Sudhir Kumar Pandey, Ld. Advocate. Ld. Counsel for the State:- Sri Md.Jawed Hussain Ld. Addl. P.P. The Bail Petition dated 10-10-2022 has been filed under section 439 of the Code of Criminal Procedure, 1973 on behalf of Applicant namely Mohamid Raza @ Munan arising out of Ghaghra P.S Case No. 07/2022 dated 20-01-2022 registered for the offences u/s 379 of IPC, 1860. The Applicant is in Judicial Custody Since 21.01.2022. The case is now pending in the Court of SDJM, Gumla. The Bail Petition has been pressed today only. A Copy of this petition is also served to the Ld. P.P. Heard learned counsel appearing for the Applicant and learned Addl. P.P. appearing for the State and perused the record.	

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	<u>continued</u> <u>07-11-2022</u>	Prosecution case in brief as per Written Report dated 20.01.2022 of Niraj Kumar is that he runs a Tour and Travel shop at Chandni Chowk Ghaghra and on 03.11.2017, he purchased a Bajaj Pulsar Motorcycle bearing registration no. JH08C7629 by executing sale agreement from Anil Baraik. On 20.01.2022 around 18:00 hours when his motorcycle was being taken away by one Mohamid Raja, he chased him and caught him. Hence, this FIR. The learned defence counsel on behalf of Applicant submits that the Applicant Mohamid Raza @ Munan is in the Judicial Custody since 21.01.2022. That the petitioner/accused is quite innocent and has committed no offence as alleged. No bail petition has been pending either in this court or before Hon'ble High Court, Ranchi. That the case of accused has been recommended by UTRC committee for consideration of bail but plea of bail of accused was rejected vide order dated 06-08-2022. That there is no possibility of	
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	<u>continued</u> 07-11-2022	conclusion of trial of UTP in near future and as per recommendation of UTRC committee, the UTP is entitled to be released on bail and therefore his bail application may be favourably considered. Ld. Addl. P.P. has vehemently opposed the prayer for bail and relied different paragraphs of case diaries and other documents attached with the file. Ld. Addl PP stated that there are clinching materials of record therefore bail must not be granted to the present applicant. Taking into consideration the allegations and after perusal of the case record it appears that the accused has been in jail since 21.01.2022 on the charges of stealing a motorcycle of the informant. From perusal of the record it transpires that the accused removed the motorcycle out of the possession of the informant but prima facie there is nothing in the record which proved dishonest intention of the accused in order to attract penal provision of section 379. Similarly prima facie there is nothing on record which proved the fact that the same motorcycle was in possession of some other	
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	<u>continued</u> 07-11-2022	person before the accused got possession of the same. In order to establish essential ingredient of the penal provision of section 411. He has already been in jail for more than 10 months and there is recommendation of UTRC committee for consideration of bail plea of the accused. Having regard to the aforesaid facts and circumstances of the case and nature of the offences and punishment provided thereof, I find it a fit case to admit the petitioner on bail on furnishing bail bond of rupees ten thousand with two sureties of the like amount each subject to the following conditions:- (i) The petitioner shall remain physically present before the court on each and every date till disposal of this case. (ii) that applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such fact to the court or to any police officer (iii) that the applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.	
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		(iv) that the applicant shall attend in accordance with the conditions of the bail bond executed under chapter 33 of Cr.P.C. In terms of above, Bail Application of the Applicant Mohamid Raza @ Munam is disposed of as allowed. Let a copy of this order be sent to the concerned court.. Dictated Sd/- I/c Sessions Judge, Gumla	
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