

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11797 of 2016

Arising Out of PS.Case No. -80 Year- 2015 Thana -HATHUA District- GOPALGANJ

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1. Md. Parwej @ Parwej Usmani Son of Md. Mustafa resident of village -
Hathua Dakhin Tola, P.S. Hathua, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh

For the Opposite Party/s : Mr. Uday Pratap Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Hathua
P.S. Case No. 80 of 2015 registered for the offence punishable
under Section 379 of the Indian Penal Code.

Allegedly, one Hero Honda Passion Plus Pro
motorcycle bearing registration No. BR-28D-2136 was stolen
away by unknown miscreants. During investigation, the name of
the petitioner transpired in confessional statement of co-accused
Saddam Hussain, Bitu Ansari and Prince Kumar and further the
petitioner also confessed his guilt.

Submission is of false implication and that besides
confessional statement, there is no other legal and tangible

material against the petitioner, nothing has been recovered from possession of the petitioner, he is on bail in other five cases, petitioner has been made victim of police atrocity and, as such, he deserves sympathetic consideration to which the learned A.P.P. submits that the petitioner has also confessed his guilt and stolen motorcycle was recovered from possession of co-accused Lal Babu Prasad vide para 33 and 38 of the case diary.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri. Abhishek Kunal, learned J.M. 1st Class, Gopalganj in connection with Hathua P.S. Case No. 80 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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