

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35525 of 2016

Arising out of P.S. Case No. - 295 Year - 2016 Thana - ARARIA District - ARRARIA

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Md. Mustajir @ Mustajir, Son of Late Sakil, Resident of Village -
Madhopara, P.S. Araria Bairgachhi, District Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party : Mr. Pawan Kumar Chaurasiya, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
29.05.2016 in connection with Araria P.S. Case No. 295 of 2016
for the offence instituted under Section 379 of the Indian Penal
Code.

The prosecution story, in brief, is that some unknown
persons stolen away the motorcycle of the informant while he
went to mosque.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 29.05.2016 and the charge sheet
has been submitted in the present case. The petitioner has got no
criminal antecedent. There is no allegation of tampering of the
witnesses alleged against the petitioner. Petitioner has been made

accused due to mistake of fact. He has no knowledge that the said motorcycle was stolen property. There is no compliance of Section 100 of Cr.P.C. It is further submitted that the petitioner may be released after completion of nine months in custody from 29.05.2016.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after completion of nine months in custody from 29.05.2016, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 295 of 2016.

(Sudhir Singh, J.)

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