

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28608 of 2017

Arising Out of PS.Case No. -136 Year- 2017 Thana -KOTWALI District- PATNA

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1. Md. Washir Ahmad, S/o Late Md. Manjul Mallick, resident of Mohalla-Mehdi Nagar, Samanpura, P.S.- Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar Panday, Adv.

For the Opposite Party/s : Mr. Smt. Reena Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 02-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 30.04.2017 in connection with Kotwali P.S. Case No. 136 of 2017 for offence punishable under Section 386/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that Md. Mustaque along with four persons came to his house and opened the lock and stole ornaments, cash and one ruby ring costing Rs. 5 crore.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and not named in the FIR. He was engaged in real estate business with the informant and he was not involved in the alleged theft but on the basis of being friends with Md.Mustaque, who told him to sell the said



ring. He submits that his involvement has been confessed by Md. Ali in his confessional statement made before the police which has no evidentiary value in the eye of law and in his own confessional statement. He submits that no overt act has been done by him. Neither the gold ring had been sold by the petitioner nor was recovered from his possession. It has further been submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner along with other co-accused is involved in the commission of the said offence, hence, opposes the prayer of bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Kotwali P.S. Case No. 136 of 2017.

(Nilu Agrawal, J)

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