

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7439 of 2019

Arising Out of PS. Case No.-362 Year-2018 Thana- ARARIA District- Araria

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Abu Basar, Age 35 yrs, Male, S/o Matiur Rahman, Resident of Village -
Mirzabhag, Ward No.- 03, P.S. Araria, District Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 18-02-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 17.11.2018
in a case registered for the offence punishable under Section 392
of the IPC.

The prosecution case is that on 11.06.2018 at about 10.00
P.M., the informant, Md. Mahmood Alam was going to his
house after closing his shop, as soon as, he reached near the
Hira Chowk, some miscreants on motorcycle came and after
sprinkling chilly powder in his eyes, snatched Rs. 95,000/- cash,
a mobile phone and keys and book of account of his shop,
leading to registration of FIR against unknown. It is further



alleged that the name of the petitioner sprang up during investigation, on the basis of confessional statement of co-accused Md. Firoz Alam.

It is submitted by learned counsel for the petitioner that except the confessional statement of co-accused, Md. Firoz Alam, no substantial evidence has been found against the petitioner. Moreover, neither any recovery has been made from the petitioner nor has the petitioner been put on T.I. parade till date. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is involved in two other cases but in both the cases, he is on bail.

It is submitted by the learned APP for the State that the name of the petitioner sprang up on the confessional statement of co-accused person.

Considering the fact that there is nothing on record to suggest that any recovery being made from the conscious physical possession of the petitioner, the petitioner not being put up T.I. parade and the investigation has already been concluded, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **C.J.M., Araria,**



in connection with **Araria P.S. Case No.362 of 2018 (G.R. No.1820 of 2018).**

(Dinesh Kumar Singh, J)

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