

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28849 of 2020

Arising Out of PS. Case No.-17 Year-2018 Thana- BISFI District- Madhubani

MD. ARSEE @ KAKAURWA @ TARIQUE @ KARIWA @ GORAKH Son
of Ashraf Resident of Village - Rathaus, P.S.- Bisfi Patauna, District -
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kripa Nand Jha

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Tarun Prasad Mandal, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bisfi (Aunsi O.P.) P.S. Case No. 17 of 2018 for the offence punishable under Section 379 of the Indian Penal Code.

The allegation is regarding the informant being on night patrolling on 25.01.2018 at about 10:00 P.M. and when he returned to his residence on 26.01.2018 at about 3:45 A.M., his motorcycle was parked in his house, however, on the same



day at about 6:00 A.M. he found that the motorcycle had been stolen by unknown thieves.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 24.02.2020. It is further submitted that the petitioner has been falsely implicated in the present case on the basis of confessional statement of the co-accused person namely, Md. Moti, merely on suspicion. It is also submitted that the stolen motorcycle has not been recovered from the petitioner, hence the petitioner is not having any complicity in the matter.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner has been roped in the present case merely on suspicion and that too on the basis of the confessional statement of the co-accused person as well as the fact that he is having a clean antecedent and is languishing in custody since 24.02.2020 apart from the fact that no recovery has been made from the petitioner herein,



I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released 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 A.C.J.M.-1, Benipatti, Madhubani in connection with Bisfi (Aunsi O.P.) P.S. Case No. 17 of 2018.

(Mohit Kumar Shah, J)

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