

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33669 of 2020

Arising Out of PS. Case No.-482 Year-2019 Thana- BIHARSHARIF District- Nalanda

MD RAJU @ RAJA, aged about 23 years, Gender-Male, Son of Md. Jalal @
Md. Jamal, Resident of Mohalla- Chhaju, P.S.- Bihar, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pramod Kumar Sinha, Advocate.
For the Opposite Party : Mr. Mithilesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Section 379 of the I.P.C.

The prosecution story, in brief, is that on 29.07.2019
at 7.00 A.M., while the informant come out of his house to wash
his pot, in the meantime, an unknown person entered into his



room and took away his *Laptop* and *Mobile Phone* kept in the room. His landlady also saw the unknown man going out and the informant searched the man a lot but he could not be traced. He suspected that one unknown boy had come to meet to the son of Gulshan Kumar in his *Flat* who might have committed this left and he was seen by the informant's landlady.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 25.09.2019. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner has remained in custody for more than one year. The petitioner is not named in the F.I.R. His name has come in the present case on the basis of confessional statement of co-accused. Except for confessional statement of co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery of any incriminating article from possession of the petitioner. The petitioner has not been put on T.I. Parade to ascertain his participation in the alleged occurrence.

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



Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Nalanda at Biharsharif, in connection with Bihar P.S. Case No. 482 of 2019.

(Sudhir Singh, J)

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