

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23423 of 2021

Arising Out of PS. Case No.-817 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

MD. ASHIF S/o Md. Ekbal Resident of Village- Majhaulia, P.S.- Sadar,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

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

The petitioner seeks bail in connection with Sadar
P.S. Case No. 817 of 2018 for the offence under Sections 457
380 and 411 of the Indian Penal Code.

The entire prosecution is against unknown for the
alleged commission of theft in the house of the informant.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has not committed any offence. Neither the



petitioner is named in the F.I.R. nor any incriminating or looted article has been recovered from his possession. The name of this petitioner transpired in this case on the basis of information recieved by the spy of the police, who has no *locus standi*. Moreover, co-accused, Md. Ashraf @ Md Asraf, having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 28.07.2021 passed in Cr. Misc. No. 32689 of 2021. The petitioner is rotting in judicial custody since 20.04.2020.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Judicial Magistrate-1st,Class, Muzaffarpur in connection with Sadar P.S. Case No. 817 of 2019.

(Rajesh Kumar Verma, J)

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