

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37756 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- NARPATGANJ District- Araria

MD. OWESH @ MD. OBESH @ PAPPU, Male, aged about 35 years, son of
Md. Sirajuddin, Resident of Village- Saladah Majhuwa, Ward No.- 15, P.S.-
Narpatganj, District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Anil Prasad Singh, Advocate.

For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-02-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

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 392 of the I.P.C.

The prosecution story, in brief, is that while the
informant was returning to his house on 09.01.2020 at about in
between 7.30 P.M. to 8.00 P.M., on his Motorcycle bearing
Registration No. BR-38R-1326 then three Motorcycle borne
persons said to have stopped the Motorcycle at about 500 meters
away from his house and two boys came near him and asked



about the way to Raniganj and took away key of the Motorcycle. Another boy took away Rs. 10,000/- and Samsung J-2 Mobile Set containing SIM No. 3006634767 and 9110965774 from his pocket. The registration number of the Motorcycle of miscreants was BR-43M-1611. All three unknown miscreants went in east direction with his Motorcycle and cash. He came to his village and raised alarm then he alongwith villagers searched the miscreants but it went in vain and also claimed to identify after seeing them.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 22.05.2020. 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 is not named in the F.I.R. The name of the petitioner has come in the present case on the basis of confessional statement of co-accused. 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 of the petitioner 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 learnedChief Judicial Magistrate, Araria, in connection with Narpatganj P.S. Case No. 11/2020.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

