

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28596 of 2021

Arising Out of PS. Case No.-127 Year-2019 Thana- KORHA District- Katihar

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1. Md. Mukhtar @ Md. Mukhtar Alam, aged about 36 years, male, Son of Md. Nazrul Haque.
 2. Md. Safik Alam, aged about 46 years, male, Son of Md. Saidur Rahman.
- Both are resident of Village - Harishpur, Dighari, P.S. - Korha, Dist. - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Sen Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 13-01-2022 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Korha P.S. Case No. 127 of 2019, dated 12.04.2019, instituted for the offence under Section 379 of the Indian Penal Code.

The motorcycle of the informant which was parked in his neighbour's house is said to have been stolen. The



implication of the petitioners in the present case is only based on suspicion.

Mr. Bimal Kumar, the learned Advocate for the petitioners has drawn the attention of this Court to the fact that in Korha P.S. Case No. 193 of 2019, the petitioner No. 2 had been arrested and in which case, his confession was recorded. Based on that confession, the petitioner No. 2 was made accused in yet another case, viz., Korha P.S. Case No. 163 of 2019.

Both the petitioners were granted bail in both the cases referred to above by the learned Court below.

Based on the afore-noted confession, it has been submitted, the petitioners are sought to be prosecuted in the present case as well.

Mr. Kumar has stated that for good number of days, the petitioners were in custody with respect to the cases which have been referred to above, but no production warrant was issued for remanding the petitioners in the present case. Only after the petitioners were released on bail in the aforesaid two cases, that they are now wanted in



the present case.

There is no recovery from the possession of the petitioners.

Apart from the two other cases about which reference has been made in paragraph 3 of the application and the present case, there is no other case pending against these petitioners with respect to theft of motorcycles/vehicles.

Considering the afore-noted facts, a Bench of this Court *vide* order dated 25.10.2021 had called for the case diary and had granted interim relief to the petitioners.

Nothing otherwise has been found in the police papers against the petitioners.

Regard being had to the facts afore-stated, the petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection



with Korha P.S. Case No. 127 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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