

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23369 of 2022

Arising Out of PS. Case No.-483 Year-2021 Thana- JOKIHAT District- Araria

1. Md. Shahnawaz @ Mohammad Shahnawaz S/O Jabbad @ Abdul Jawad Resident Of Village - Parwanpur, Ward No. -14, P.S. - Jokihat, District - Araria.
2. Md. Mansoor @ Md. Mansoor Alam S/O- Alim @ Alimuddin @ Md. Alim Uddin Resident Of Village - Parwanpur, Ward No. -14, P.S. - Jokihat, District - Araria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha
For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-08-2022 The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with regard to petitioner no.1.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner no.2 seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 379, 411/ 34 of the Indian Penal Code.



The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 10.10.2021 while he was on night patrolling duty when he received information that a Bolero pick-up van along with the driver has been detained. Accordingly, he reached the place of occurrence and one Md. Rizwan was caught, who was found in possession of stolen articles. It is next alleged that accordingly, the Bolero was seized from which, 65 pieces of joint channels and two pieces of hand-pump being stolen property, was recovered and Md. Rizwan and Abdul, who were apprehended, disclosed the name of the petitioner alleging that he was also involved in committing the theft.

The learned counsel for the petitioner submits that admittedly, the petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that his name came in the confessional statement of co-accused, which has no evidentiary value. It is also submitted that petitioner is a person with clean antecedent.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.2, above-named, in



the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jokihat P. S. Case No.483 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C., subject to condition that one of the bailors shall be the father of the petitioner namely, Alim @ Alimuddin @ Md. Alim Uddin.

The application stands allowed.

(Satyavrat Verma, J)

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