

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38120 of 2021**

Arising Out of PS. Case No.-39 Year-2021 Thana- SAKRA District- Muzaffarpur

MD. RUSTAM Son of Md. Safik Resident of Village - Machhahi, P.S.- Sakra,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Namrata Mishra,
Mr. Md. Kamran, Advocates.
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 18-01-2022 Heard Ms. Namrata Mishra, learned counsel for the
petitioner and Ms. Indu Kumari Srivastava, Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with Sakra
PS Case No. 39/2021 registered for the offence punishable
under Sections 379/413/411/414 of the IPC.

As per prosecution case, the motorcycle of the
informant was parked in front of his house and one boy of the
same village informed the informant that somebody was fleeing
away with his motorcycle, then the informant along with his
family members and villagers chased the miscreants and all the
persons were apprehended and one of them disclosed that stolen
motorcycles are sold in the garage belonging to the petitioner



and co-accused, Md. Naseem.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of statement made by the co-accused who were apprehended by the villagers while they were fleeing away after committing theft of the motorcycle and no motorcycle has been recovered from the garage of the petitioner. She next submits that petitioner has got no criminal antecedent and the co-accused, Aman Kumar who was apprehended on the spot, has been granted bail by a Co-ordinate Bench of this Court *vide* Cr. Misc. No. 31820/2021 and one another co-accused, Md. Naseem has been granted bail by the learned court below itself.

Learned counsel next submits that petitioner is in custody since 16.01.2021 and the charge-sheet has been submitted in the matter.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused persons have been granted bail by a Bench of this Court and by the court below itself, no stolen article has been recovered from the possession of the petitioner, petitioner is in custody since 16.01.2021 and the charge-sheet has been submitted in the matter, I am inclined



to grant regular bail to the petitioner.

Accordingly, let the petitioner, MD. RUSTAM 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 Additional Chief Judicial Magistrate-XII, Muzaffarpur in connection with Sakra PS Case No. 39/2021.

(Anil Kumar Sinha, J)

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