

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39567 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- CHANDAN District- Banka

MD. HASNAIN RAZA @ HASNAIN RAJA @ SAHIL Son of Md. Tajuddin
Resident of Chandan, P.S.- Chandan, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-01-2022 Heard the learned counsel appearing for the petitioner and
the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chandan P.S. Case No. 18 of 2020 for the offence punishable
under Section 379 of the Indian Penal Code.

The case of the prosecution, in brief, is that the mobile
phone of the informant as well as his friends were stolen
allegedly by one Chhotu Kumar while they were sitting in
Asam Dharmshala.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 24.04.2021.
It is further submitted that actual facts of the case are that the
stolen mobile is stated to have been recovered from one Lalita



Kumari, who had then disclosed before the police that she had purchased the same from the petitioner, whereafter a raid was conducted in the shop of the petitioner, however, no stolen mobile was recovered from the shop of the petitioner. It is also submitted that no material is available on record to connect the petitioner with the alleged crime and he has been made an accused in the present case merely on suspicion.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that neither any stolen mobile has been recovered from the conscious possession of the petitioner nor there is any material available on record to connect the petitioner with the alleged crime, except the confessional statement of one Lalita Kumari, which has got no evidentiary value in the eyes of law, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to 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 C.J.M., Banka in connection with
Chandan P.S. Case No. 18 of 2020.

(Mohit Kumar Shah, J)

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