

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32126 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- JOKIHAT District- Araria

MD ABBAS @ ABBAS Son of - Nazabul Resident of Village - Sirpur, P.S.-
Palasi, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Opposite Party/s : Ms.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 26-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within one
month.

Petitioner seeks regular bail in a case registered for the
offence punishable under Section 379 of the Indian Penal Code.

As per allegation on the alleged date and time while the
informant was returning to home on way near at Kesari Bus stand, he
parked his motorcycle and went to natural call and when he returned,
he did not find his motorcycle.

The main submissions advanced by Sri Ziaul Quamar, the
learned counsel appearing for the petitioner are that stolen
motorcycle was not recovered from his possession and on the
confessional statement of co-accused he has been made accused in
this case.

Ms. Sucheta Yadav, learned APP appearing for the State



has opposed the prayer for bail.

Heard both sides and perused the FIR as well as seizure list of Kadwa P.S. Case no. 19/2022 submitted by learned counsel for petitioner as annexure 2. Present case relates to theft of a motorcycle and FIR was lodged against unknown person and the petitioner has been languishing in jail since 10.3.2022 and he has taken the pleas that alleged motorcycle was not recovered from his possession and after his arrest, he was not put on test identification parade and he has been made accused in this case mainly on the basis of confessional statement of co-accused Maksood Alam from whose possession alleged stolen motorcycle was recovered.

Considering the said pleas which have not been refuted by learned APP and petitioner's custody period, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner 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 the Chief Judicial Magistrate, Araria in Jokihat P.S Case No. 33 of 2022.

(Shailendra Singh, J)

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