

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44747 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- PALASI District- Araria

MD RIZWAN @ RIZWAN Son of Md. Mosim @ Mosim Resident of
Village- Barhat Ward No.01, Police Station- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Palasi
P.S. Case No. 03 of 2021 for the offence registered under Sections
413, 414/34 of the Indian Penal Code.

The allegation is regarding the police having received
secret information that some miscreants had arrived at the tea shop
in question for the purposes of disposing off a stolen motorcycle
whereafter the informant and his police force had reached at the tea
shop and had arrested the petitioner and one other co-accused person
and a stolen motorcycle was recovered.

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 04.01.2021. The learned
counsel for the petitioner has submitted by referring to the seizure list
that the place from where the motorcycle has been recovered, is



stated to be a place situated near the tea shop of one Jahoor at Palasi Chowk, hence it is submitted that as far as the petitioner is concerned, the stolen motorcycle has not been shown to have been recovered from him. It is next submitted that the petitioner has already been suitably punished on account of his incarceration.

Per contra, the learned counsel 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 and taking into account the materials available on record as also considering the fact that the stolen motorcycle has been recovered from a place situated near the tea shop of Jahoor at Palasi Chowk and moreover, the petitioner is languishing in custody since about a year, I deem it fit and proper to direct for release of the petitioner herein 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 Additional Chief Judicial Magistrate-1st, Araria in connection with Palasi P.S. Case No. 03 of 2021.

(Mohit Kumar Shah, J)

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