

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46122 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- KUNAU LI District- Supaul

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MOSEEN @ MAUSIM @ MOSIM @ MUSEEM ALAM Son of Late Abdul
Jamil @ Md. Majid Resident of Village - Haripur- Kamalpur, Ward No. 12,
P.S. - Kunauli, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Yadav, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-02-2022 The instant case has been taken up for consideration

through the mode of Video conferencing in view of the

prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

Heard the learned counsel for the petitioner and Sri

Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection

with Kunauli PS case no. 01 of 2021 instituted for the offences

punishable under Section 394/34 of Indian Penal Code.

The allegation is regarding unknown miscreants

having snatched a sum of Rs. 4.97 lacs approximately from the

informant which was in Nepali currency. Subsequently, some

miscreants are stated to have been arrested and a sum of

Rs. 1 lac approximately of Nepali currency was recovered from



the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 04.01.2021. The learned counsel for the petitioner has explained the recovery of Nepali currency from the house of the petitioner by referring to paragraph no. 17 of the present petition and has submitted that the cousin brother of the petitioner runs his business in Nepal at Damak and on the fateful day, he had come with Nepali currency at his native place and was residing in the house of the petitioner which is in joint possession of the petitioner and his family members.

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 parties and taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent, he is languishing in custody since more than one year and no test identification parade has been held till date so as to connect the petitioner with the alleged crime, I deem it fit and proper to admit the petitioner to the privilege of bail.



Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Judicial Magistrate, Birpur, Supaul in connection with Kunauli PS case no. 01 of 2021.

(Mohit Kumar Shah, J)

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