

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43374 of 2022

Arising Out of PS. Case No.-357 Year-2021 Thana- KORHA District- Katihar

Md. Idrish S/o Salim @ Shekh Salim R/o village- Musapur, Ward No. 1, P.S.-
Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Mr. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Korha
P.S. Case No. 357 of 2021 registered for the offence punishable
under Section 392 of the Indian Penal Code.

As per the prosecution, the informant's motorcycle, a
mobile phone and a cash of Rs. 20,000/- were looted at the
alleged place by some unknown miscreants.

The main submissions advanced by learned counsel
Mr. Bhola Prasad for the petitioner are that the petitioner is not
named in the FIR and he has been made accused mainly on the



basis of his own statement as it reflects from the order of the Court below and after his arrest in the present case he was not put on Test Identification Parade and the police failed to recover any of the looted articles from his possession and the petitioner has criminal antecedent of two cases in which he has been granted bail in one of the said cases vide order passed by co-ordinate Bench of this Court in Cr. Misc. No. 14452 of 2022 and the petitioner has been languishing in jail since 23.12.2021.

Learned APP Mr. Pronoti Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. The petitioner has mainly taken the defences that after his arrest in the present matter he was not put on Test Identification Parade and the police failed to recover any of the looted articles from his possession. In view of the said defences, no submission has been made by the prosecution and it appears that while rejecting the prayer of the petitioner the Court below mainly placed reliance on the petitioner's own statement recorded by him before the police. Considering these facts as well as petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, 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 concerned Court in Connection with
Korha P.S. Case No. 357 of 2021.

(Shailendra Singh, J.)

Prashant/-

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