

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31763 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- DEODHA District- Madhubani

Rabbani Shekh, Son of Rajaul Shekh, resident of Village-Balhagoth, Ward No. 02, P.S.- Khajuri, District- Dhanuska, Nepal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mohammad Akhter Hussain, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Dewdha P.S. Case No.132 of 2022 registered for the offence punishable under Section 379 of the Indian Penal Code.

3. The accused/petitioner is not named in the FIR and is in custody since 28.11.2022.

4. Allegation against the petitioner is to commit theft and while committing so, taken away motorcycle belongs to informant along with unknown co-accused persons.

5. It is submitted by learned counsel for the petitioner that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Islamuddin Sheikh, where in furtherance of same, no incriminating material



recovered/surfaced during the course of investigation as to connect the petitioner with present occurrence of theft. It is pointed out by learned counsel that petitioner was not put on TIP as yet. While concluding argument, it is submitted that the petitioner subsequently named in two more criminal cases and moreover investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as save and except suspicion arises out of confessional statement of co-accused, namely, Islamuddin Sheikh, nothing appears incriminating against the petitioner as to connect him with present occurrence of theft, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.11.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Madhubani in connection with Dewdha P.S. Case No.132 of



2022 subject to the conditions as laid down under Section
437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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