

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37443 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- PAKRIDAYAL District- East Champaran

MD. JAHARUDDIN Son of Md. Nasruddin Resident of Shikarganj, ward no.
6, P.S. - Chiraiya Shikarganj (Out Post), Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.iii, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100), APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in Bail Petition No. 746 of
2023 in G.R. Case No. 4116 of 2022 arising out of Pakaridayal
P.S. Case No. 180 of 2022 registered for the offence under
Sections 379, 413/34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 16.09.2022.

The allegation against the petitioner is to commit theft
alongwith other unknown co-accused persons and while
committing so taken away motorcycle belongs to informant.

Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Daud Mohammad while apprehended in another criminal case, in furtherance of which, no incriminating material recovered/surfaced during the course of investigation to connect petitioner with present occurrence of theft. It is submitted that a suspicion arises out of criminal antecedent as petitioner found involved in seven more criminal cases and for said reason without having any connecting material, the petitioner named in present case also. It is submitted that petitioner not even put on TIP as yet. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as save and except confessional statement of co-accused, nothing incriminating material surfaced/recovered during the course of investigation against this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.09.2022 accordingly, petitioner above named, is directed to be released on bail in connection with



Pakaridayal P.S. Case No. 180/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Motihari, East Champaran/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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