

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39273 of 2023

Arising Out of PS. Case No.-181 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. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-07-2023 Let the defect, if any, be removed within two weeks

from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Pakaridayal P.S. Case No. 181 of 2022 dated 12.07.2022 lodged
under Sections 379 of the I.P.C.

As per the prosecution, F.I.R. has been lodged against
unknown accused persons about theft of motorcycle whose
number has been disclosed in the F.I.R.

Learned counsel for the petitioner submits that neither
incriminating has been recovered from possession of the
petitioner nor he was put on T.I.P. He further submits that
petitioner is in custody since 16.09.2022 and the name of the
petitioner has figured in this case by virtue of the confessional
statement of other co-accused persons. He further submits that
in the light of judgement in the case of **Tofan Singh Vs. The**

State of Tamil Nadu reported in **AIR 2020 SC 5592**, the confessional statement may not be treated as proof against any one. Counsel further submits that there are seven criminal cases pending against the petitioner in which he is on bail in some cases and in some cases he is persuading for bail. Counsel further submits that the case in which petitioner has been charge is Magisterial triable.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, East Champaran at Motihari in connection with Pakaridayal P.S. Case No. 181 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C..

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--