

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40943 of 2023

Arising Out of PS. Case No.-738 Year-2022 Thana- SHASTRINAGAR District- Patna

MD. ASIF Son of Md. Saukat Ali Resident of village - Mahendru, Post Office
Shahganj Mohalla, P.S. - Sultanganj, Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 457, 380 and 411 of the
Indian Penal Code.

3. As per FIR, the informant went to his relative for
giving *Aurg* in Chath Puja and When he returned he found that
the main gate was opened and broken. It is further alleged that
Jewellery, cash, passbook and other materials were missing
from Almirah.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner is not named in the FIR and
the same has been lodged against unknown person. The name of



the petitioner has come into light, on the basis of confessional statement of co-accused Brajesh Kumar Mahto and Chandan Kumar, which have got evidentiary value in the eyes of law. He submitted that the as alleged stolen articles recovered from co-accused Chandan Kumar, which has come in para-71 of the case diary. Nothing incriminating/looted articles have been recovered from the conscious possession of the petitioner. He is languishing in judicial custody since 05.12.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Shashtri Nagar P.S. Case No. 738 of 2022.

(Sunil Kumar Panwar, J)

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