

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44898 of 2023

Arising Out of PS. Case No.-1146 Year-2022 Thana- DANAPUR District- Patna

Md. Asif, Son of Md. Saukat Ali, Resident of Village- Mahendru, Post Office
Shahganj, P.S.- Sultanjanj, District- 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. Binod Kumar No-3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 26-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Danapur P.S. Case No. 1146 of 2022 dated 20.10.2022
registered for the offences punishable under Sections 457 and
380 of the Indian Penal Code.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to the
theft, committed in the house of informant though the petitioner
has criminal antecedent of eight cases but he has got bail in five
cases out of the said antecedent cases mentioned in the
paragraph no. 3 of the petition and as per the order impugned
only iron rod, scooper (*cheni*) and iron hammer are stated to
have been recovered from the possession of this petitioner but



no any looted articles was recovered from his possession and he was remanded in the present case from Shastrinagar P.S. Case No. 738 of 2022 and in the present matter investigation has been completed against him.

4. Learned APP appearing for the State opposes the bail prayer and submitted that against the petitioner there is criminal antecedent of several cases and he does not deserve to the privilege of bail.

5. Heard both the sides and perused the FIR and order impugned. Though, petitioner has criminal antecedent of several cases but the order impugned goes to show that the prosecution mainly relied upon the confessional statement of this petitioner given before the police as well as recovery of iron rod, scooper (*cheni*) and iron hammer in respect of the involvement of the petitioner in the alleged crime of theft but, it does not appear from the said order that any looted article was recovered from the possession of this petitioner after he was taken into custody in the present matter, so considering these facts, in my opinion, the petitioner deserves to a lenient approach of this court. Accordingly, **let the petitioner named above be released on bail, after framing of charge, if the same has not been framed,** in connection with Danapur P.S. Case No. 1146 of



2022 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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