

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46822 of 2023

Arising Out of PS. Case No.-115 Year-2023 Thana- SHASTRINAGAR District- Patna

Md. Arman Son Of Mahbub Alam Resident Of Village- Madarsa Gali Raja
Bazar, Samanpura Ps- Shastrinagar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Shastri
Nagar P.S. Case No. 115 of 2023 registered for the offence under
Sections 413, 414/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 31.01.2023.

4. The allegation against the petitioner is to habitually deal
with stolen goods like mobiles alongwith other co-accused persons.

5. Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced on the basis of
confessional statement of co-accused, namely, Md. Ali from whose
possession stolen mobiles were recovered. It is submitted that
petitioner and Md. Ali were in inimical terms and out of said
enmities he named this petitioner without having any connecting



evidence as to mark his presence, *prima facie*, with present occurrence. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as name of petitioner surfaced on the basis of suspicion arises out of confessional statement where no incriminating material appears to be recovered from his possession as to connect him, *prima facie*, with present occurrence coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 31.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with Shastrinagar P.S. Case No. 115 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate-IX, Patna Sadar/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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