

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59452 of 2023

Arising Out of PS. Case No.-381 Year-2023 Thana- NAUBATPUR District- Patna

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GOPAL PRASAD SON OF BADRI PRASAD RESIDENT OF SNEHI
TOLA, P.S. - NAUBATPUR, DISTRICT - PATNA

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harsh Vardhan

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 413, 414 of the Indian Penal Code.

3. According to prosecution, three FIR named accused persons are alleged to have been apprehended on spot with a stolen motorcycle. On disclosure of apprehended persons, one stolen motorcycle was also recovered from house of this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR. His name transpired on the basis of confessional statement of co-accused persons who were



apprehended on spot. The petitioner has no concern with the motorcycle which was seized from house of the petitioner. It is also submitted that the seizure list witness are police officials, not a single independent witness which violates section 100 of Cr.P.C. This case is triable by court of Judicial Magistrate. The petitioner has got no criminal antecedent. He is disabled man with 70 per cent disability and languishing in judicial custody since 6.6.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Naubatpur P.S. Case No. 381 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Danapur or concerned Court.

(Sunil Kumar Panwar, J)

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