

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62356 of 2023**

Arising Out of PS. Case No.-196 Year-2023 Thana- WARISNAGAR District- Samastipur

Md. Islam S/O Md. Basir R/O Village- Malinagar, P.S- Chakmehsi, Distt.-  
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      05-10-2023                      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 379, 411 of the Indian Penal Code.

3. As per prosecution case, the public apprehended one Chhotu Kumar while he was trying to take away motorcycle of the informant and who disclosed the name of the others accused persons. Accordingly, the FIR lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in the FIR. His name was transpired on the basis of confessional statement of co-accused Chandan Kumar who was arrested



during investigation. The confession before police is not admissible in the eye of law. Similarly situated Chandan Kumar has already been granted bail by a co-ordinate Bench of the Court vide order dt. 30.8.2023 passed in Cr. Misc. No. 56885 of 2023. It is further submitted that the petitioner has got no criminal antecedent and languishing in judicial custody since 8.6.2023.

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 period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Warisnagar P.S. Case No. 196 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 Judicial Magistrate 1<sup>st</sup> Class, Samastipur.

**(Sunil Kumar Panwar, J)**

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