

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61584 of 2022**

Arising Out of PS. Case No.-178 Year-2016 Thana- ATRI District- Gaya

MD. JAVED Son of Md. Salim R/V- Dangra, P.S- Mohanpur, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand

For the Opposite Party/s : Mr.Parmanand Kumar

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

2 08-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under section 395 of the Indian Penal Code.

As per prosecution case, while the driver was going in the truck bearing registration no. BR-21K-2067 to bring cement from Aurangabad, in the meantime, some miscreants suddenly came in front of the truck and stopped. Thereafter, they assaulted the truck driver and fled away with the said truck.

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 rather his name has been figured in the present case during investigation on the basis of confessional statement of



co-accused Shahid Khan. It is further submitted that the person from whose possession, looted truck is alleged to have been recovered namely, Khalid Naem has already been granted privilege of bail by a coordinate bench of this Court vide order dated 10.1.2017 passed in Cr. Misc. No. 12940 of 2017. neither the petitioner was arrested on spot nor he has been put on TIP. It is further submitted that the petitioner is languishing in judicial custody since 4.7.2022.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Atri P.S. Case No. 178 of 2016 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Gaya.

(Sunil Kumar Panwar, J)

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