

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72489 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- KOTHI District- Gaya

Afar Khan @ Md. Afsar @ Afsar Khan Son Of Shamshuddin Khan @ Md. Samsuddin R/O Village- Kothi, P.S.- Kothi, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Section 392 of the Indian Penal Code.

3. As per allegation in the FIR, two unknown persons boarded on a Pulsar Motorcycle intercepted the motorcycle of the informant and on showing the fear Tamcha took away the key of motorcycle, Rs. 2,39,468/- and mobile phone from the informant.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R. He has been falsely implicated in this case by the police only on suspicion and recorded his confessional statement, which has no



evidentiary value in the eye of law. Except his confessional statement nothing has come against him. Nothing incriminating article or looted money has been recovered from his possession rather the looted articles were recovered from house of co-accused Saheb Khan. It is further submitted that the petitioner has not been put on T.I.P. till date. Petitioner has got no criminal antecedent and languishing in judicial custody since 06.08.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sherghati, Gaya in connection with Kothi P.S. Case No. 50 of 2023.

(Sunil Kumar Panwar, J)

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