

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76749 of 2023**

Arising Out of PS. Case No.-65 Year-2019 Thana- BASANHI District- Saharsa

Rohit Kumar, aged about 23 years, Male, S/O Chandradev Yadav, Village-  
Tamkulha, Ward No. 10, P.S. Sonbarsa Raj, Dist. Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf, Advocate  
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      29-11-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with  
Basnahi PS Case No. 65 of 2019 dated 28.06.2019, instituted  
under Section 379 of the Indian Penal Code.

3. Allegation in the FIR is that some unknown persons  
have stolen the cattle belonging to the informant.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and he has been falsely implicated in this  
case. The FIR has been lodged against unknown. Only on the  
basis of confessional statement recorded in Basnahi P.S case no.  
72 of 2019, the petitioner has been made accused in this case. It  
is submitted that the FIR has been lodged after six days of the  
occurrence. Delay in lodging the FIR has not been explained. It  
is submitted that nothing has been recovered either from the



possession or from the house of the petitioner. Petitioner has one criminal case pending against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Saharsa in connection with Basnahi PS Case No. 65 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

**(Khatim Reza, J)**

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