

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5292 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

Md. Chhote, aged about 20 years, Male, Son of Md. Hussain @ Hussain,
Resident of Village - Korahiya, P.S. - Jainagar, District – Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
L.N.M.U. P.S. Case No. 178 of 2023 instituted for the offences
punishable under Section 379 of the Indian Penal Code.

3. As per the prosecution case, it is a case of theft of a
motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case merely on the basis of mere
suspicion. He next submits that the petitioner is not named in
the FIR and has been arrested by the police only on the basis of
suspicion. Nothing has been recovered from the conscious
possession of the petitioner. Petitioner has not put on Test
Identification Parade. Petitioner has got no criminal antecedent



as stated in para 3 of the petition and is in custody since 27.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Sessions Judge, Darbhanga dated 14.12.2023, it appears that petitioner is not named in the FIR and his name transpired in this case during the course of investigation. Petitioner has been arrested in another case and remanded in this case only on the basis of confessional statement of co-accused and there is no any recovery from his conscious possession, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with L.N.M.U. P.S. Case No. 178 of 2023.

(Ramesh Chand Malviya, J)

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