

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4815 of 2024

Arising Out of PS. Case No.-231 Year-2023 Thana- KHANPURA District- Samastipur

Md. Azaz, Son of Md. Ali R/O-Mustafapur, P.S.-Bibhutipur, Distt.-
Samastipur, Bihar- 848160

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Khanpura P.S. Case No. 231 of 2023 (G.R. No. 2940 of 2023), instituted for the offences punishable under Section 392 of the Indian Penal Code, 1860.

3. The prosecution case, in short, is that, three unknown miscreants entered the house of the informant and on the point of pistol, took away Rs. 3.5 lacs from his mother.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The F.I.R. has been lodged against unknown and the name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Md. Intessar. No



incriminating article has been recovered from the possession of the petitioner except cash of Rs. 36,000/-. The petitioner has no any criminal antecedent as has been stated in paragraph no. 3 of the present bail application. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.01.2024 passed in Cr. Misc. No. 84835 of 2023. The petitioner is languishing in judicial custody since 07.09.2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khanpura P.S. Case No. 231 of 2023 (G.R. No. 2940 of 2023).

(Rudra Prakash Mishra, J)

Rajorshi/-

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