

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11328 of 2024

Arising Out of PS. Case No.-524 Year-2023 Thana- GAYA KOTWALI District- Gaya

Md. Rashid @ Md. Washir @ Faizan S/O Faizan R/O Villag- Kathokar Talab,
P.S- Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kotwali P.S. Case No. 524 of 2023, lodged on 23.08.2023 under
Sections 379, 411 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against the sole petitioner due to the reason that he was
identified by the informant who has alleged to commit theft and
on her disclosure, the FIR was lodged.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that other accused person have been granted bail by
this Court *vide* order dated 31.01.2024 passed in Cr. Misc. No.
3023 of 2024. Counsel further submits that the antecedent of the



petitioner is not clean and there are two criminal cases pending against him in which he is on bail. The petitioner is in custody since 24.08.2023 in the present case.

5. Learned counsel for the petitioner submits that the offence in which the case has been filed is of magisterial triable.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the present case is different from the case of co-accused as the petitioner is named in the FIR and he was identified by the informant and on the disclosure of the petitioner himself, mobile was recovered from his house.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only three months after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 524 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not



absconding in any of the cases pending against him whose details are as follows:-

(I)- Kotwali P.S. Case No. 262 of 2017.

(II)- Kotwali P.S. Case No. 3 of 2017.

(Dr. Anshuman, J.)

Divyansh/-

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