

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23315 of 2024

Arising Out of PS. Case No.-1380 Year-2022 Thana- PHULWARISHARIF District- Patna

Shohel Ahmad @ Tony Son of Md. Jafir @ Md. Jakir R/o Mohalla- Malikana,
P.S.- Masaurahi, District- Patna- 804452

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithlesh Gupta, Adv.

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

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

ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Phulwari P.S. Case No. 1380 of 2022 instituted for the

offences under Section 395 of the Indian Penal Code.

3. As per prosecution case, six unknown miscreants

entered into the shop of the Informant and looted an amount

of Rs. 1,50,000/- and some jewellery.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as

alleged against him and has falsely been implicated in the

present case. The petitioner is not named in the F.I.R. and



his name has surfaced in this case during investigation on the basis of confessional statement of the co-accused persons. The police has remanded the petitioner from Phulwari P.S. Case No. 1499 of 2022. The police after remand has not conducted the T.I. Parade. The petitioner has altogether six criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 24.02.2023.

5. Learned counsel for the petitioner further submits that the co-accused Md. Ejaj Hasan and Md. Raushan have been granted bail by this Court vide order dated 07.12.2023 passed in Cr. Misc. No. 78551 of 2023.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the prayer for bail based on parity, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Phulwari P.S. Case No. 1380 of 2022, subject to the following conditions;

- (i) One of the bailors shall be own/close member of the family of the petitioner.
- (ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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