

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31197 of 2024

Arising Out of PS. Case No.-803 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Gulshan Kumar S/o Brahamanand Prasad @ Brahamanand Mahto R/o vill -
Birta Chak, P.S. - Ghora Sahan, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Rajendra Singh

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

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Motihari Town P.S. Case No. 803 of 2022 instituted for the
offences under Sections 461 and 379 of the Indian Penal Code.

3. As per prosecution case, some unknown miscreants
have committed theft in the informant's shop and took away 20
Smart phones, 30 keypad phones, cash of Rs. 30,000/- and other
articles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Petitioner is not named in the FIR and the same
has been lodged against unknown persons. The name of the



petitioner has come into light merely on the basis of confessional statement of co-accused Sabir Dewan, which has no evidentiary value in the eyes of law. The petitioner has got no concern with the alleged occurrence. No incriminating/looted article has been recovered from the conscious possession of the petitioner. The petitioner has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. Charge-sheet has been submitted in this case. The petitioner is in custody since 15.11.2022 and has three criminal antecedents.

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

6. Considering the facts and circumstances of the case as well as the period of custody undergone by the petitioner, 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Motihari Town P.S. Case No. 803 of 2022.

(Rudra Prakash Mishra, J)

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