

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28381 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- BALRAMPUR District- Katihar

Asmaul S/O Late Shahid Ali @ Abdul Shahid R/O Village- Baldiyagachhi,
P.S- Balrampur, Distt.- Katihar (wrongly mentioned in the impugned order as
Age-42 years).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Balrampur P.S. Case No. 179 of 2023 instituted for the offences
under Sections 379 and 411 of the Indian Penal Code.

3. As per prosecution case, the allegation against the
petitioner is that he entered the informant's house and
committed theft but was caught. Thereafter, on search, 1.5 Bhari
of silver chain and two knives were recovered from his
possession.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. So far as, the recovery of silver chain and two



knives are concerned, it is completely plantation of the informant in collusion with local Mukhiya and police implicated this petitioner and made him scapegoat. No incriminating article has been recovered from the conscious possession of the petitioner and there is no eye-witness of the alleged occurrence and all the witnesses examined in this case are hearsay witness. The petitioner has got no concern with the alleged occurrence. Charge-sheet has been submitted in this case. The petitioner is in custody since 28.12.2023 and has no criminal antecedent.

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 Balrampur P.S. Case No. 179 of 2023.

(Rudra Prakash Mishra, J)

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