

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34362 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Md. Asif Alam Son of Late Shamshul Alam R/O Vill.- Belwa Bhagat Tola,
Ward no.1, Near Masjid, P.S.- Araria, Dist.- Araria. Petitioner/s
Versus

The State Of Bihar Patna Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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

ORAL ORDER

2 07-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kochadhaman P.S. Case
No. 161 of 2023, G.R. No. 1032 of 2023 instituted for the
offences under Sections 461 and 379 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the
informant, who is the principal of Utkraamit Middle School
when he reached at his School at 8:55 AM, then found that the
Main gate was opened and lock was broken/opened and also
found that the lock of the office, two class rooms and one store
room is also broken and gate was opened, when he entered into
the office, he found that the goods in office was
scattered, meanwhile all the teachers also reached at school, and
also found that lock and gate of first floor was also broken. It is
further alleged that on inspection he found that from office all



goods were stolen. It is further alleged that on earlier occasion on 14.05.2023 also theft was committed by unknow.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He was not arrested on spot. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner's name came on confessional statement of other accused in Kasba P.S. case No. 212 of 2023. The petitioner is in custody since 16.10.2023 and has antecedent of ten criminal cases.

5. Learned A.P.P. 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 and 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 **after framing of charge, if not already framed** 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 Kochadhaman P.S. Case No. 161 of 2023, G.R. No. 1032 of 2023.

(Rudra Prakash Mishra, J)

Prakash/-

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