

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37611 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- BARAULI District- Gopalganj

Parwej Alam Son Of Hazrat Ali Resident Of Village - Kotwa, P.S.- Barauli,
District - Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

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

ORAL ORDER

4 09-08-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Barauli P.S. Case No.
288 of 2023, instituted for the offences punishable under
Sections 475 & 380 of the Indian Penal Code.

3. The prosecution case, in short, is that, four
unknown miscreants entered the house of the informant and
committed theft of cash and ornaments and fled away by the
Scorpio vehicle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused Rahul Kumar and the same has got no evidentiary value. No T.I. parade has been made in this case. The petitioner has been remanded in this case on 21.12.2023 and has got ten criminal antecedents in which he has been granted bail in four cases by the Court below. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 05.04.2024 passed in Cr. Misc. No. 25438 of 2024 and order dated 19.07.2024 passed in Cr. Misc. No. 52269 of 2024.

5. Learned APP 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, taking into account the period of custody undergone by the petitioner and claim based on parity, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barauli P.S. Case



No. 288 of 2023, 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)

Rajorshi/-

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