

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40405 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- KASBA District- Purnia

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Moti @ Motiur Rahman @ Matibur Rahman S/O Md. Rajjak Village banaili,
near middle school, ward no.10, P.S. - Kasba, Distt Purnia

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kasba P.S. Case No. 98 of 2023, registered on 05.03.2023 for the offences under Sections 414, 413, 411 of the Indian Penal Code.

3. As per prosecution case, co-accused Md. Yusuf was apprehended with stolen motorcycle who disclosed the name of the petitioner who helped him in purchase of the stolen motorcycle from another co-accused Shamim Akhtar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. From bare perusal of FIR it is evident that the recovery has been made from co-accused Md. Yusuf who purchased the same



from another co-accused Shamim Akhtar. In his confessional statement co-accused disclosed the name of the petitioner who helped him in purchasing the motorcycle and except this allegation, there is no other material against the petitioner. The petitioner has not committed any wrongful act and has no concern with the apprehended co-accused. The petitioner is a man of clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication and absence of any specific overt act against the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - IInd, Purnea/concerned court in connection with Kasba P.S. Case No. 98 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close



relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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