

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47827 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Meraj @ Guddu @ Md Meraj Son Of Md Israil Village- Manikpur, Ward No.
-10. P.S.- Araria (Bairgachhi), Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Ziaul Quamar, Advocate

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

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

ORAL ORDER

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

2. The petitioner seeks bail in Kochadhaman P.S. Case
No. 124 of 2023, instituted for the offences punishable under
Sections 461 and 379 of the Indian Penal Code.

3. The prosecution case, in short, is that, there is
allegation against the petitioner is of being involved in theft of
19 sacks of rice.

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 F.I.R., name of the petitioner has transpired on the basis of one similar case in which the petitioner was arrested. No recovery has been made either from the conscious possession of the petitioner or from the house of the petitioner. No T.I.P. has been done in this case. The petitioner is in custody since 17.10.2023 and has got six criminal antecedents in which the petitioner is on bail in two cases. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 02.05.2024 passed in Cr. Misc. No. 33422 of 2024 and order dated 21.05.2024 passed in Cr. Misc. No. 36773 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 Kochadhaman P.S.



Case No. 124 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)

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