

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42529 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- SOHSARAI District- Nalanda

Md. Shamshad, Male, aged about 19 years, son of Mohammad Naimuddin @
Md. Naim, resident of village- Sohdi Kharjama, P.S.- Sohsarai, Distt.-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Sohsarai PS Case No.71 of 2024 dated 15.03.2024, instituted
under Sections 379 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence a theft was committed in the shop of the
informant in which Exide Batter, Gas cylinders, mobile, bottle
of sprite kept in twelve cartons etc. and rupees thirty thousand
cash were stolen. The petitioner identified the accused persons
from CCTV footage with the help of nearby people.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Petitioner as well as the informant are the resident of the



same locality. The CCTV footage was not examined by the police or any expert. The informant did not identify the petitioner, rather, name of the petitioner has been disclosed by nearby people. Further submission is that the name of the petitioner has been disclosed by the person, who is inimical to the petitioner. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Nalanda, in Sohsarai PS Case No.71 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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