

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48254 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- POTHIYA District- Kishanganj

Fazlur Rahman Son Of Late Nasiruddin @ Md. Nassiruddin Village-
Kapraha, Ps- Pothia, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Pothia P.S. Case No. 29
of 2024, instituted for the offences punishable under Sections
457, 380, 461, 436 of the Indian Penal Code and Section 411 of
the Indian Penal Code was added later on.

3. The prosecution case, in short, is that, some
unknown persons broke the lock of the informant's office and
took away 170 pieces of spring rod, and electric metre. They
also set fire due to which the plastic pipe worth Rs. 30,000/- got
burnt.

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. and his name has transpired on the basis of confessional statement of co-accused person which has no evidentiary value. No recovery of stolen articles has been made from the possession of the petitioner. The petitioner is in custody since 06.02.2024 and has got six criminal antecedents in which the petitioner has been granted anticipatory bail in two cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 02.05.2024 passed in Cr. Misc. No. 33863 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 Pothia P.S. Case No.
29 of 2024, 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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