

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49334 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Md Manowar Hasan @ Munawwar Hasan Son of Md. Hasan R/o Village-
Koshkipur Ward No.07, P.S.- Araria (Bairgachhi), District- 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. Uma Shankar Prasad Singh, APP

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

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kochadhaman P.S. Case
No. 161 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, some
unknown persons committed theft in the Utkramik Middle
School and two gas cylinders, sound box, bell, medical kit,
kitchen articles etc. were found to be stolen.

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 confessional statement of co-accused Meraj in Kasba P.S. Case No. 212 of 2023 and the same has no evidentiary value. No stolen article has been recovered from the conscious possession of the petitioner. No T.I.P has been conducted in this case. The petitioner is in custody since 16.10.2023 and has got seven 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 07.05.2024 passed in Cr. Misc. No. 34362 of 2024 and order dated 21.06.2024 passed in Cr. Misc. No. 44183 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. 161 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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