

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55135 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- KADWA District- Katihar

MD. NAUSHAD @ ABUNASAB SON OF KASU @ KASFUDUJA R/V-
KANHARIYA, P.S.- DAGARUA, DISTT.- PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Kadwa
P.S. case No. 274 of 2023 instituted for the offences under
Sections 379, 461, 411, 413, 414/34 of the Indian Penal Code.

3. Prosecution case, in short, is that some unknown
thieves have stolen Dell Laptop and cash amounting to rupees
twenty thousand in cash from the shop of the informant. It is
further alleged that the thieves also stole articles amounting to
rupees fifty thousand from the nearby grocery shop.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the F.I.R. The name of the petitioner



transpired in this case on the basis of confessional statement of Md. Mohib. No incriminating/looted article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has got no concern with the stolen articles. Charge-sheet has been submitted in this case. The co-accused person has already been granted bail by this Bench vide order dated 30.04.2024 passed in Cr. Misc. No. 29386 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.12.2023 and has four criminal antecedents.

5. Learned A.P.P. 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, claim based on parity and the period of custody undergone by the petitioner, 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kadwa P.S. case No. 274 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

