

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55006 of 2024

Arising Out of PS. Case No.-204 Year-2023 Thana- KADWA District- Katihar

Md. Naushad @ Abunshab Son of Late Md. Kasu @ Kasfuduja R/O Vill.-
Kanhariya, P.s.- Dagarua, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Adv
For the Opposite Party/s : Ms. Sharda Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kadwa P.S. Case No. 204 of 2023 dated 13.09.2023 registered for the offences punishable u/ss 379 and 461 of the Indian Penal Code.

3. As per the prosecution case, some unknown thieves are alleged to have stolen 35 pieces of old mobile and 4 pieces of new mobile phone from the shop of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 27.08.2023 but the F.I.R. was lodged on 13.09.2023 without explanation of



inordinate delay of 17 days. The petitioner is not named in the F.I.R. The name of the petitioner has surfaced in this case only on the basis of the confessional statement of the co-accused *Md. Mohib* who disclosed the involvement of the petitioner in the alleged crime of theft. Nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 26.06.2024 passed in Cr. Misc. No. 42841 of 2024. Learned counsel has further submitted that the petitioner has no concern with the alleged recovery. The petitioner has four criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 19.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Katihar in connection with Kadwa P.S. Case No. 204 of 2023, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below



on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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