

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65899 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- PALASI District- Araria

Shahnawaz @ Md. Shahnawaz S/o Wazauddin @ Waj Uddin @ Md. Waj Uddin R/o Village- Pechaili, Ward No.07, P.S.- Palasi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Jha, Adv. Mr. Kanchan Jha, Adv. Mr. Nishant Choudhary, Adv.
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 461 of the Indian Penal Code.

3. As per FIR, total 42 mobile sets, one laptop, one tablet of Samsung and cash of Rs. 20,000/- were stolen from the shop of the informant.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. He is not named in the FIR. The allegation levelled



against the petitioner is totally false and based on concocted facts. The real fact is that the petitioner had purchased the alleged mobile phone from one of his villagers, who told the petitioner that this mobile set is newly purchased, but it is not as per his choice, so he wants to sell the same. It is further submitted that during investigation of the present case, the I.O. on the basis of the secret information reached at the house of the petitioner and seized one theft mobile set allegedly from the possession of the petitioner along with one country made loaded pistol and three live cartridges, as a result, Palasi P.S. Case No. 14/2024 under Section 25(1-b)a, 26 of the Arms Act was lodged against him. In Palasi P.S. Case No. 14/2024, the petitioner was enlarged on bail. It is further submitted that the petitioner should be remanded in the present case as it was alleged that one theft mobile set was also recovered from the possession of the petitioner in course of investigation, but he was not remanded in the present case. Learned counsel further submits that petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the petitioner has not been remanded in the present



case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Palasi P.S. Case No. 11 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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