

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83850 of 2023

Arising Out of PS. Case No.-220 Year-2022 Thana- RAGHOPUR District- Supaul

Md. Farukh @ Umar Faruk, aged about 22 years, Male, Son of Israel @ Md. Israil, resident of Village- Madhura, P.S- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-03-2024 Heard Mr. Arun, learned counsel appearing on behalf of the petitioner and Mr. Anuj Kumar Shrivastava, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Raghopur P.S. Case No. 220 of 2022, registered for the offence punishable under Section 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, motorcycle of the informant was stolen away from the campus of Raghopur Referral Hospital. FIR is against unknown.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Allegation made in the FIR is not sustainable considering the fact that petitioner was not present at the place of occurrence. He further submitted that



due to enmity, co-accused, namely, Tamanna and Rabin Kumar have disclosed the name of the petitioner in police custody, which has no evidentiary value in the eye of law. Recovery of stolen motorcycle was not made from the house of the petitioner. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, which is against unknown, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a period of four 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 learned A.C.J.M., Birpur, Supaul, in connection with Raghapur P.S. Case No. 220 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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