

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86090 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- HUSSAINGANJ District- Siwan

Shaheb Hussain Son of Raja Hussain Village- Bhawrajpur, P.S.- Andar,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amir Alam, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad

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

ORAL ORDER

3 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Hussainganj P.S. Case No. 127 of 2023 instituted for the
offences under Section 392 of the Indian Penal Code.

3. As per prosecution case, unknown miscreants are
alleged to have robbed Rs. 3,20,000/- from the possession of the
Informant on the highway.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is not named in the F.I.R. and the name of the
petitioner has transpired in this case on his self-confessional



statement before the police. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner but, the police has prepared the seizure list alleging that Rs. 46,000/- has been allegedly recovered from the house of the petitioner kept in a briefcase (Attachee) along with one mobile. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 28.05.2023. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused Ajit Sharma has been granted bail by this Court vide order dated 13.03.2024 passed in Cr. Misc. No. 21533 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that there is a confessional statement of the petitioner of being involved in the occurrence and thus he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner



and the claim of bail being based on parity coupled with the fact that the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Hussainganj P.S. Case No. 127 of 2023.

(Rudra Prakash Mishra, J)

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