

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2397 of 2025

Arising Out of PS. Case No.-300 Year-2024 Thana- DAGARUA District- Purnia

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Md. Ashif @ Ashif S/o Md. Khurshid Resident of Chamua, PS- Dagarua,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Dagarua PS Case No. 300 of 2024, dated 28-09-2024, instituted
for the offence punishable under Sections 303(2), 317(5) and
3(5) of the Bhartiya Nyay Sanhita, 2023.

3. 50 litres stolen diesel kept in five plastic jerrycans
containing 10 litres each, is said to have been recovered from
the stolen Scorpio vehicle bearing Registration No. BR
38D/8786. It is further alleged that said stolen vehicle was being
driven by the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. It is submitted that said seized Scorpio vehicle bearing Registration No. BR 38D/8786 is not a stolen one rather the same belongs to his cousin, namely, Md. Mahboob S/o Md. Manzoor Alam, who bought it from registered owner, namely, Ajaz Alam on stamp paper. The ownership could not be transferred as the amount of loan is due against the original owner of the vehicle in question. Further submission is that no incriminating article has been recovered from the conscious possession of the petitioner. It is next submitted that the alleged seized diesel claimed to be theft one, but nobody came forward to claim about the said diesel to be the theft one. Charge sheet has been submitted in this case. Lastly, it has been submitted that the petitioner is in custody since 29-09-2024 having no criminal antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of the learned CJM Purnea, in connection with Dagarua PS Case No. 300 of 2024.



7. The application stands allowed.

(Khatim Reza, J)

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