

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18241 of 2016

Arising Out of PS.Case No. -354 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Abid Ansari, Son of Murtuza Ansari, resident of Village- Masarhi, P.S.-
Ramgarh, District- Kaimur at Bhabua.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Parwej Khan, Advocate

For the Opposite Party : Mr. U.S.P.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-06-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The prosecution story, in brief, is that on 06.08.2014 at about 9.00 P.M., this petitioner and other co-accused came at Sasaram Bus Stand where the informant being the driver of the vehicle was waiting for passenger and hired the informant's vehicle for going to village-Marichaon for Rs.1200/-. When the informant and accused persons reached at Mohania then all accused persons compelled the informant to take Nashta (breakfast). Thereafter, another unknown co-accused came there with Rakesh Yadav (co-accused) also sat at the vehicle, saying that he is own brother and then the vehicle started to go at the alleged vehicle. Thereafter, they reached the alleged village, then



Rakesh Yadav said the informant to stop the vehicle and turned the vehicle opposite side, but in the meantime, two unknown persons came on motorcycle. It is further alleged that Rakesh Yadav and Abid Ansarai (petitioner) caught hold the informant and put *Katta* at the forehead of the informant and they snatched key of the vehicle. They also took the informant in a field and tied his leg and hands and thereafter snatched cash of Rs.6,000/- and dual SIM mobile. Thereafter, this petitioner and other co-accused fled away with the alleged vehicle towards Mohania and the informant was surrounded by other miscreants. After some time they also fled away.

The earlier bail application of the petitioner was rejected vide Cr.Misc.No.42806 of 2015 dated 09.11.2015. This is the second attempt for bail on behalf of the petitioner.

A report was called for from the trial court regarding the stage of the case. It has been stated that the charge has already been framed in the case but none of the prosecution witnesses have appeared on behalf of the prosecution.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.04.2015. Charge has been framed in the present case. There is no allegation of tampering of evidence against the petitioner. It is further submitted that the

petitioner is named in the FIR on the basis of a confessional statement made by co-accused. Petitioner has not been put on test identification parade to ascertain his implication in the present case nor there is recovery of any incriminating article from the possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the FIR.

Considering the fact that the petitioner is in custody since 02.04.2015 and the prosecution has failed to produce the witnesses before the trial court which is evident from the report received from the court below, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Kaimur at Bhabhua** in connection with **Bhabua P.S.Case No.354 of 2014**.

(Sudhir Singh, J)

B.Kr./-

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