

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4224 of 2019

Arising Out of PS. Case No.-559 Year-2017 Thana- FORBESGANJ District- Araria

Aslam @ Fichcha @ Usman, Male, aged about 35 years, Son of Late Samid @ Sarif, Resident of Village- Papraghat, Tappu Tola, P.S. Jogbani, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 19.03.2018 in a case registered for the offences punishable under Section 395 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Sunil Ram Das recorded by S.I. Rakesh Kumar of Forbesganj Police Station on 20.07.2017 at 2.00 P.M. is to the effect that on 20.07.2017 at about 9.00 P.M. the informant went to sleep but on some sound he got up and came on second floor of the house and woke up his son, in the meantime, eight miscreants variously armed entered into the house of the informant, seven persons concealed their faces and the accused persons robbed



jewellery, cash and other articles, leading to registration of the FIR against eight unknown accused persons. Name of the petitioner sprang up in the confessional statement of co-accused Saifulla @ Manter.

It is submitted by learned counsel for the petitioner that neither there is any recovery from the petitioner nor the petitioner has been put on Test Identification Parade. Though, the petitioner is accused in four other cases but he is on bail in that cases. It is further submitted that similarly situated co-accused persons Bechan Ansari, Akhtar and Ashfaq have been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. Nos. 11820 of 2018, 25709 of 2018 and 48567 of 2018.

Learned APP submits that the name of the petitioner sprang up on the confessional statement of the co-accused.

Considering the fact that the investigation has already been concluded and the petitioner has not been put on Test Identification Parade, 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 learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 559 of 2017.



Considering the fact that the petitioner is having criminal antecedent, the learned Court below will be at liberty to cancel the bail bonds of the petitioner in two eventualities; if the petitioner defaults for two consecutive occasions or gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

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