

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10081 of 2019

Arising Out of PS. Case No.-172 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

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SADAM ALI @ FAHIM ALI Son of Late Neyamat Ali, Resident of Takiya
Yakub, Police Station- Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
01.11.2018 in a case registered for the offence punishable
under Section 392 of the Indian Penal Code and Section 27 of
the Arms Act.

It is alleged that four accused persons traveling on
an Scorpio vehicle without bearing any registration number,
not only robbed Rs.620/- cash, mobile phone and driving
licence of the informant, but they also robbed Rs.6000/- cash,
a gold chain and a pair of earrings from the wife of the owner



of the vehicle by which both were traveling, leading to registration of FIR against unknown. The name of the petitioner sprang up on the confession of co-accused Vishal Giri.

It is submitted by learned counsel for the petitioner that neither there is any recovery from the conscious physical possession of the petitioner nor the petitioner has been put on Test Identification Parade. Moreover, the investigation has already been concluded. It is further submitted that though the petitioner is accused in two other cases, apart from the present case, but in these cases he has been granted bail. A statement to that effect has been made in paragraph no.3 of the petition.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of confessional statement of the co-accused, Vishal Giri.

Considering the fact that though the petitioner has been named by co-accused, but neither the material available on record nor does the impugned order suggest that the petitioner has been put on Test Identification Parade, coupled with the fact that no recovery has been made from the possession of the petitioner, 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
ACJM-II, Siwan, in connection with Bhagwanpur Hatt P.s.
Case No. 172 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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