

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17908 of 2019

Arising Out of PS. Case No.-256 Year-2018 Thana- DURAULI District- Siwan

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SHEKH AFZAL @ SEIKH AFJAL, aged about 24 years (Male), Son of Sheikh Seharuddin @ Sheikh Sheruddin Khan R/o village- Khairati Dilip, P.S.- Darauli, District- Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ajay Kumar Tiwary, Advocate.
For the Opposite Party : Mr.Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-04-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 07.01.2019 in a case for the offence registered under Section 395 of the IPC.

The prosecution story, in brief, is that on 10.11.2018 at about 10.30 P.M., the mother of the informant, he and other family members were slept. In the meantime, 8-10 persons entered into his house from back side. On some noise, he awoke and saw that miscreants were armed with gun, pistol and knife. They entered into room of his mother and knotted all family members by rope and wrapped their faces. They assaulted them by butt of gun and pistol. They unlocked all the Almirah and



boxes and took away gold jewellerys, cash mobile, certificates, A.T.M. cards and other articles as mentioned in the F.I.R. They have wrapped their faces. They have given threatening also.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come merely on the basis of confessional statement of co-accused. The petitioner has not been put on T.I. Parade. There is no recovery of any incriminating article from possession of the petitioner. Other similarly situated co-accused has been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 19757 of 2019 order dated 01.04.2019.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned A.C.J.M.-



3rd, Siwan, in connection with Darauli P.S. Case No. 256 of
2018.

(Sudhir Singh, J)

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