

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77104 of 2018

Arising Out of PS. Case No.-438 Year-2018 Thana- FORBESGANJ District- Araria

Md. Irsad S/o Mdf. Mustakim @ Mustakim Resident of Village-Rampur
Dakshin ward N0.3P.S.Forbesganj,Distt.-Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 13.8.2018 in a case registered for the offences punishable under Section 392 of the I.P.C.

The prosecution case is that the informant, while travelling on a motorcycle, was robbed of Rs.1,94,000 from the dickey of the motorcycle and Rs.4000/- from his pocket and a mobile phone by the three motorcycle borne miscreants, leading to registration of FIR against unknown. The petitioner's name sprang up when he made confession in Araria (R.S.) P.S. Case No. 456 of 2018.

It is submitted by learned counsel for the petitioner that there is no recovery from the petitioner nor the petitioner has been put on Test Identification Parade. Though the petitioner is



accused in three other cases but all those cases have been filed against unknown.

Learned APP submits that the petitioner's name sprang up during investigation. However, he admits that there is no recovery from the petitioner.

Considering the fact that investigation has already been concluded, the impugned order does not suggest that there is any recovery from the petitioner nor the petitioner has been put on Test Identification Parade and the period under custody, let the petitioner above named 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 the learned CJM, Araria in connection with Forbesganj P.S. Case No. 438 of 2018.

(Dinesh Kumar Singh, J)

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