

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 8433 of 2020

Arising Out of PS Case No.-149 Year-2019 Thana- AMOUR District- Purnea

Md. Anish @ Md. Anis @ Anish, aged about 28 years (Male), Son of Md. Quadir, Resident of Village - Bhawanipur, P.S.- Amour, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N K Agrawal, Sr. Advocate Dr. Bidhu Ranjan, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 10-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. N K Agrawal, learned senior counsel along with Dr. Bidhu Ranjan, learned counsel for the petitioner and Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. Despite the name of learned counsel for the informant appearing, he has informed the Court Master that he has nothing to say.

4. The petitioner is in custody in connection with Amour PS Case No. 149 of 2019 dated 22.09.2019 instituted under Sections 394 of the Indian Penal Code and 27 of the Arms Act.



5. The allegation against the petitioner and others is of being involved in the looting of money and firing on the informant.

6. Learned counsel for the petitioner submitted that the FIR was registered against two unknown persons. It was submitted that the petitioner's name has surfaced in the confessional statement of the accused. However, he submitted that besides such confession not being admissible in evidence, even in the same, it has not come that the petitioner had looted or fired upon the informant. Learned counsel submitted that recovery of money has been from co-accused Md. Rahim whereas co-accused Md. Muntsir Alam, who is also stated to have been party to the crime has been granted bail by the Court below itself. Learned counsel submitted that from the petitioner there is no recovery and also no other criminal antecedent and is in custody since 25.09.2019.

7. Learned APP, from the case diary, submitted that as per the confession, the petitioner was in touch with co-accused Md. Rahim from whom recovery has been made. However, he did not controvert that the petitioner has no other criminal antecedent and no recovery has been made from him.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the



petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in Amour PS Case No. 149 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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