

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13074 of 2020

Arising Out of PS. Case No.-708 Year-2019 Thana- SAHARSA District- Saharsa

MD. HAIDER @ BANGALI TIGER @ MD. HAIDER ALI @
MOHAMMAD HAIDER RAIN S/o Gulam Rasul Resident of Ishalamiya
Chowk, Niyamat Tola, Ward No.15, Saharsa, P.S. and Distt- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Saharsa Sadar P.S. Case No. 708 of 2019 for the offence punishable under Sections 399, 401, 414 of the Indian Penal Code and sections 25(1-B) a/26/35 of the Arms Act.

The case of the prosecution in brief is that the informant, who is a police officer, received information that some miscreants had assembled for committing crime and were



preparing for committing dacoity, whereafter the informant along with the police party had reached at the place of occurrence and arrested the miscreants. The informant had then conducted search and as far as the petitioner is concerned, one country made pistol along with four live cartridges and one mobile phone were found from his possession.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case on account of having a bad criminal antecedent. It is further submitted that the petitioner is languishing in custody since 06.08.2019. It is further submitted that similarly situated co-accused persons have been granted regular bail by co-ordinate Benches of this Court vide order dated 04.12.2019 passed in Cr. Misc. No. 73981 of 2019, order dated 27.05.2020 passed in Cr. Misc. No. 76267 of 2019 and order dated 20.05.2020 passed in Cr. Misc. No. 2953 of 2020.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, taking into account the fact that the petitioner is languishing in custody since 06.08.2019 and further considering the parity of the case of the petitioner with that of the co-



accused persons, who have been granted bail by co-ordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

According, the petitioner, above named, is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa in connection with Saharsa Sadar P.S. Case No. 708 of 2019.

(Mohit Kumar Shah, J)

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