

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19951 of 2020

Arising Out of PS. Case No.-168 Year-2019 Thana- KATEYA District- Gopalganj

PARWEJ ANSARI Son of Saudagar Ansari Resident of Village- Kolhuwar
Bagahi, P.S.- Kateya, District- Gopalganj (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shakir Ahmad (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 06-11-2020

Heard learned counsel for the parties.

This application for regular bail arises out of Kateya P.S. Case No. 168 of 2019, disclosing offence punishable under Sections 457 and 380 of the Indian Penal Code.

The petitioner is in custody since 07.01.2020. It is alleged in the FIR that in the night of 29.05.2019 when the informant and his family members were sleeping in their house, they woke up at about 11.00 p.m. noticing some disturbance in the nature of noise. Thereafter, they noticed 10-12 unknown persons fleeing away from the backdoor and subsequently realised that they had stolen ornaments worth Rs. 10 lakh and cash worth Rs. 47000=00. They had also taken away two boxes containing ornaments. The FIR was registered on the very next day on 30.05.2019.



Case diary has been called for, soft copy of which is available on record from which it transpires that nearly seven months after the date of occurrence on 23.12.2019, the informant, for the first time, disclosed the petitioner's name before the police who had allegedly admitted his involvement in commission of offence with others in a discussion with his friends, which was videographed, on the basis of which the petitioner was apprehended on 07.01.2020.

The village, where the occurrence had taken place, is the maternal house of the petitioner. The petitioner is said to have confessed his involvement in his statement before the police as mentioned in the FIR. His so called confessional statement is there in the case diary, according to which, the informant was forcibly locked in a room by the miscreants and other family members were also locked in another room by them, whereafter the offence was committed.

Apparently, this was not even the case of the prosecution, as disclosed in the FIR. The informant, on the other hand, had alleged in the FIR that when the family members woke up, they had seen the miscreants fleeing away and subsequently certain valuables were found missing.

Considering the circumstance that the petitioner's



name surfaced on the basis of disclosure made by the informant seven months after lodging of the FIR and there is serious contradiction between what has been mentioned in the alleged confessional statement of the petitioner and the case of the prosecution as disclosed in the FIR, in my opinion, a case for grant of regular bail is made out. This application is accordingly allowed.

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 learned ACJM-XV, Gopalganj, in Kateya P.S. Case No. 168 of 2019.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

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