

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21625 of 2020

Arising Out of PS. Case No.-375 Year-2018 Thana- DURGAWATI District- Kaimur (Bhabua)

1. SHAMSHAD ALI Son of Late Haidar Ali Resident of Village - Durgawati Bazar Ward No. 11, P.S.- Durgawati, District - Kaimur at Bhabua.
2. Israr Ali Son of Late Islam Ali Resident of Village - Sarai, P.S.- Durgawati, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID-19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Rana Randhir Singh, learned A.P.P. for the State.

The petitioners seek regular bail in connection with Durgawati P.S. Case No. 375 of 2018 for the offence punishable under Sections 356, 379, 395 and 412 of the Indian Penal Code.

The case of the prosecution in brief is that when the informant, after collecting the money of the L. &T. Finance Company Limited was returning towards Mohania, two



unknown miscreants on a motorcycle had snatched the money bag containing a sum of Rs. 1,24,000/- and other articles and had then fled away.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having fair antecedent inasmuch as they are accused only in one other case. It is further submitted that neither any Test Identification Parade has been held to connect the petitioners with the alleged crime nor any recovery of cash amount has been made from the petitioners herein and on the contrary the petitioner no. 1 is languishing in custody since 22.02.2020 and the petitioner no. 2, after he was arrested in one other case, has been remanded in the present case on 29.02.2020. It is further submitted that as far as the petitioner no. 1 is concerned, he has surrendered in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that neither any Test Identification Parade has been held so as to connect the petitioners with the alleged crime nor any looted cash amount



has been recovered from the petitioners and moreover they are languishing in custody since a considerable time, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 375 of 2018.

(Mohit Kumar Shah, J)

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