

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24862 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- AKBARPUR District- Nawada

1. MD. ASIF KHAN @ ASIF KHAN, Son of Md. Tasauwar Khan, Resident of Mohalla - Ansar Nagar, Khan Colony, P.S. - Bundelkhand, District - Nawada.
2. Md. Faizan Khan @ Faiyaz Khan, Son of Md. Faiyaz Khan, Resident of Mohalla - Islam Nagar, P.S. - Nwada Town, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.R. P. Sahani, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-09-2020 Heard learned counsel for the petitioners and the State.

The petitioners are in custody in connection with Akbarpur P.S. Case No. 45 of 2020 for the offence under Sections 419, 420, 395 and 482 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedent. He further submits that the name of the petitioners surfaced in the instant case on the basis of confessional statement of co-accused. He also submits that in the instant case truck of the informant was taken away by the miscreants, who were intercepted by the villagers and thereafter the name of the petitioner surfaced. It is alleged that these two petitioners have succeeded in fleeing away with



Scorpio vehicle, which was used in the present case or loot of the truck. The petitioners are in custody since 05.02.2020.

Learned counsel for the petitioners submits that other co-accused has been granted bail vide order dated 07.09.2020 passed in Cr. Misc. No.23138 of 2020. The aforesaid submission is not impressed the Court for the reason that release of the petitioners at this stage may cause law and order problem in ensuing Bihar Assembly Election.

Having regard to the fact that the petitioners are in custody since 05.02.2020, the Court is constrained to dispose of the present bail application with a direction to the Court below to release the petitioners on bail after completion of ten months in custody i.e. after 05.12.2020 on appropriate terms and conditions.

(Anil Kumar Upadhyay, J)

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