

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30477 of 2020**

Arising Out of PS. Case No.-2 Year-2020 Thana- GOVINDPUR District- Nawada

MD. WAHID ANSARI @ BUDHU, S/o Wajul Haque @ Aganu Miyan, R/o
Village-Baksoti, P.S-Govindpur, District-Nawada. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed by the Stamp Reporter within three
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Nirmal Kumar Sinha, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Govindpur P.S. Case No. 02 of 2020
registered for the offences punishable under Sections 395/435 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
present case has been lodged against unknown members of
Chand Miyan @ Chanchal gang. It is alleged that 12-15 persons
came at the informant's company camp and started assaulting
the labourers and snatched money from them and also snatched
mobiles from the labourers present there.



It is submitted that the petitioner has no concern with the gang of Chand Miyan and there is no recovery of incriminating article from possession of the petitioner. Identification of the petitioner is doubtful in this case. Petitioner is in jail since 08.01.2020 having no criminal antecedent.

Learned APP for the state has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstance of the case wherein this petitioner has not been specifically named in the first information report and it is the submission that his identification is doubtful, no recovery of any incriminating article from his possession, he has no criminal antecedent and is in custody since 08.01.2020 and there being no submission on behalf of the State that his release at this stage is likely to interfere with the course of trial or result in tampering with the evidence, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nawada in connection with Govindpur P.S. Case No. 02 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

