

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33557 of 2020

Arising Out of PS. Case No.-181 Year-2020 Thana- FORBESGANJ District- Araria

MD. RAYEES @ MD. RAYEESH @ RAYEES, Male, aged about 28 years,
Son of Ekbal @ Rayees @ Md. Ekbal Ansari, Resident of Village - Rampur
Dakshin, Ward No. 09, P.S.- Forbesganj, District - Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party : Mr. Damodar Prasad Tiwari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 394, 397 of the I.P.C.

The prosecution story, in brief, is that on 09.03.2020
at about 5.00 A.M., in the morning, the informant alongwith his



villager Mithilesh Rishidev boarded on a Tempo to go to his village-Haripur on fare of Rs. 20/- each person. The driver of the Tempo alongwith other person started to go towards the BIADA after crossing the road which they objected them. In the meantime, the driver and other person stopped the said Tempo in a lonely place and snatched their Mobile. On protest, the driver of the said Tempo opened a knife and threatened to give rupees otherwise he will kill them. Upon which, the Tempo driver blew knife on the stomach of the informant. In the meantime, other person also blew knife on his thigh and hand. Thereafter, the driver of the Tempo and other person assaulted with fists and slaps to his villager Mithilesh Rishidev. On hulla, nearby persons came but they fled away by snatching their bags which contains clothes of children, bed sheet, Chocolate, Tea leaf, and cash of Rs. 500/-. The injured were admitted in hospital.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 23.05.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The



petitioner is not named in the F.I.R. The name of the petitioner has come in the present case on the basis of confessional statement of the co-accused, namely, Sarfaraz. From possession of co-accused Sarfaraz, certain incriminating articles are said to have been recovered. As far as petitioner is concerned, neither there is recovery of any incriminating article from his possession nor the petitioner has been put on T.I. Parade to ascertain his participation in the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria, in connection with Forbesganj P.S. Case No. 181/2020.

(Sudhir Singh, J)

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