

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86978 of 2019**

Arising Out of PS. Case No.-215 Year-2018 Thana- BARHIYA District- Lakhisarai

MD. AJHAR @ MD. ASAR @ MD. ASHARUDIN @ ASHAR @ ASLAM
Son of Md. Islam @ Aslam @ Islam Mia @ Aslam Mia Resident of Village-
Khuthadih, P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 01-06-2020 The present case was heard at length on 27.05.2020 and today, it has been listed under the heading “For Orders”.

The petitioner seeks regular bail in connection with Barahiya PS case no. 215 of 2018 instituted for the offences punishable under Section 392 of Indian Penal Code.

The case of the prosecution is that when the informant was returning to his house on his motorcycle, after collecting the loan amount of Rs. 53,055/- from a woman of the village, two persons came on a motorcycle from behind and dashed the motorcycle of the informant resulting in the informant falling down on the sand, whereafter two persons arrived there on a motorcycle and at gun point, they snatched the bag of the informant containing the aforesaid amount. The informant is then stated to have gone to the police station where he was shown photo album of the



accused persons and he recognized one accused person whose name was disclosed by the chowkidar as Ragbendra Singh.

The learned counsel for the petitioner has submitted that the petitioner is innocent, no test identification parade has been held so as to connect the petitioner with the alleged crime, no recovery of the looted cash amount has been made from the petitioner and the petitioner is languishing in custody since 25.02.2019. It is further submitted that the person who was identified by the chowkidar namely Ragbendra Singh has already been granted bail by a coordinate Bench of this Court vide order dated 16.07.2019, passed in Cr. Misc. no. 43762 of 2019. Lastly, it is submitted that the petitioner has been falsely implicated in the present case only on account of his bad criminal antecedent

Having regard to the facts and circumstances of the case and taking into account the materials on record in the case diary, it appears that the petitioner has been implicated in the present case merely because he happens to be an accused in as many as 11 other cases; some of which are quite old. Thus, considering the fact that neither any T.I. parade has been held so as to connect the petitioner with the alleged crime nor any recovery of the looted cash amount has been made from the petitioner nor prima facie, any material has come on record, upon investigation by the police, so as



to connect the petitioner with the alleged crime except the confessional statement of the petitioner recorded in some other case which is of no evidentiary value in the eyes of law, I deem it fit and proper to direct for release of the petitioner upon him furnishing personal bond to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya PS case no. 215 of 2018.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya PS case no. 215 of 2018, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

(Mohit Kumar Shah, J)

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