

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12522 of 2021

Arising Out of PS. Case No.-134 Year-2019 Thana- ARER District- Madhubani

MD GAFUR Son of Late Md. Habibullah @ Habibullah Resident of Village-
Kapaliya Tole Nababganj, P.S. - Arer, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-06-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Arer P.S. Case no. 134
of 2019 registered under section 395 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the
informant that about 11 persons committed dacoity in her house
of whom she identified and named 4 while she did not identify 5
to 7 other accused persons.

It is submitted by learned counsel for the petitioner
that the petitioner is not named in the FIR. His name transpired
in the confessional statement of co-accused Chalitar Thakur and
Lalit Kamat. The said Chalitar Thakur has been enlarged on bail
vide order dated 11.6.2020 (Annexure-2) passed in Cr. Misc. no.
18904 of 2020. Further no incriminating article has been



recovered from the person or possession of the petitioner. In spite of the petitioner being in custody since 10.7.2020, the charge-sheet has been submitted in the case but he has not put on TI parade.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the contents of the order of the learned Court below which has dealt with in detail with the material that has transpired in course of investigation and charge-sheet having been submitted in the case without putting the petitioner on TI parade, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Arer P.S. Case no. 134 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st , Benipatti, Madhubani.

(Partha Sarthy, J)

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