

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12818 of 2021**

Arising Out of PS. Case No.-311 Year-2019 Thana- PATLIPUTRA District- Patna

=====

MOHAMMAD SAHEB @ MD. SAHEB Son of Mohammad Jamauddin R/o
Mohalla - Nawgharwa, P.S.- Sultanganj, Distt.- Patna. Petitioner

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

=====

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

3 15-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Patliputra P.S. Case No. 311 of 2019 registered for
the offences punishable under Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the
prosecution story, the informant Shila Devi along with Gyatri Devi
was going for treatment at Mahviri Hospital for which they took
tempo from Kurjee more. After a while three young boys sat in
tempo and on the way, they snatched gold chain and gold earrings on
gunpoint whereupon both the informant and Gyatri Devi started
shouting then they were forcibly ousted from the tempo and all fled
away.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the FIR is against unknown persons, however, the petitioner has been identified in CCTV footage but the said identification is not in accordance with law. It is further submitted that till date the petitioner has not been put on test identification parade. The petitioner is in custody since 24.06.2020 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 circumstances of the case wherein it is submitted on behalf of the petitioner that the FIR is against unknown, however, the petitioner is said to have been identified in CCTV footage but the said identification is not in accordance with law and till date the petitioner has not been put on test identification parade, the petitioner has remained in custody for almost one year by now, investigation against him is complete but the trial is not likely to be concluded in near future, he has otherwise no criminal antecedent, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Sub-Judge, XII cum A.C.J.M., Patna, in connection with Patliputra P.S. Case No. 311 of 2019, subject to the conditions as laid down under Section 437(3)



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, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

