

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13337 of 2021

Arising Out of PS. Case No.-121 Year-2020 Thana- AMAUR District- Purnia

Sakil @ Md. Sakil Son Of Late S.K. Rasul Resident Of Ramnagar, P.S.-
Amour, District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Smt. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Amour P.S. Case No.121 of 2020 registered for the offence punishable under Sections 395, 397 of the Indian Penal Code.

As per the prosecution case, allegation against the petitioner is that petitioner along with other co-accused persons forcefully entered into the house of the informant by using *bamboo ladder* and took away instruments of preparing ornaments and about 30



bhar silver amounting Rs. 40,000/- and fled away.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He is neither named in the F.I.R. nor was apprehended on the spot. Petitioner has not been put on T.I. parade till date. He submits that there is nothing in record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused *Md. Israil* which has no evidentiary value in the eye of law. He submits that it is transpired in the impugned order that as per the CDR in para 172 of the case diary, tower location of mobile of the petitioner was found near the place of occurrence and on that basis petitioner has falsely been implicated in this case. He further submits that similiary situated co-accused has been granted bail *vide* order dated 02.08.2021 in Cr. Misc. No. 2577 of 2021. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner possess criminal antecedent as has been mentioned in para 3 of this bail petition and is languishing in custody since 09.07.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Amour P.S. Case No. 121 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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