

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18127 of 2021**

Arising Out of PS. Case No.-218 Year-2020 Thana- DAUDNAGAR District- Aurangabad

MD. NESAR ALAM SON OF SULEMAN HUSSAIN R/O VILLAGE-
AMART, P.S.- DOBHI, DISTRICT- GAYA (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Leelawati Kumari, Advocate

For the Opposite Party/s : Mr.A.G

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

3 16-12-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Daudnagar PS case no. 218 of 2020 instituted for the
offences punishable under Sections 395, 397 of Indian Penal
Code.

The allegation is regarding commission of
dacoity in the Bank by unknown miscreants and cash amount
was stolen from there.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case and is languishing in custody
since 07.08.2020. The learned counsel for the petitioner has
submitted that at the moment, the petitioner is not an accused in



any other case and is having a clean antecedent, inasmuch as the other case, in which, the petitioner was an accused, has culminated into his acquittal consequent to a judgment passed by the learned court below. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 10 of the present petition, that the money stated to have been seized from the house of the petitioner, was the money which was to be used by the petitioner in the marriage of his niece to be held in the next month. The learned counsel for the petitioner has further submitted that no test identification parade has been held so as to connect the petitioner with the alleged crime. Lastly, it is submitted that somewhat, similarly situated co-accused person namely Raushan Kumar @ Laddu has been granted bail by a co-ordinate Bench of this Court vide order dated 22.09.2021, passed in Cr. Misc. no. 15962 of 2021.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner has never been put on test identification parade and the cash amount



recovered from his house, is stated to be the money which was to be used in the marriage of the niece of the petitioner to be held in the next month, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of S.D.J.M., Daudnagar, Aurangabad in connection with Daudnagar PS case no. 218 of 2020.

(Mohit Kumar Shah, J)

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