

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26503 of 2021**

Arising Out of PS. Case No.-187 Year-2018 Thana- KOCHADHAMAN District- Kishanganj

MD. NASEEM Son of Alimuddin @ Kalimuddin Resident of Village-
Malingaon, P.S.- Kochadhaman in the district of Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 30-07-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 395, 397 of the Indian Penal Code, u/s 27 of Arms and u/s 3/4 of Explosive Substance Act.

As per the prosecution case, 5-6 miscreants entered into house of the informant and assaulted him with Lathi Danda as a result of which the informant got head injury and looted away silver ornaments and cash of Rs. 4,000/-. Before that 10-12 miscreants also committed dacoity in the house of his nephew, Karan Sah, and looted away cash of Rs. 10,000/-. On hulla the miscreants fled away.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the



case. The petitioner is not named in the FIR. The name of petitioner has come during the course of investigation on the basis of statement of some of the witnesses that this petitioner was found talking with other accused persons in the Haat. No incriminating article has been recovered from the conscious possession of the petitioner. Till date no Test Identification Parade is carried out although the informant has claimed to identify the miscreants if show to him. Petitioner claims clean antecedent and is in custody since 27.06.2020

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II-cum- Special Judge, Excise Act, Kishanganj in connection with Kochadhaman PS case No. 187/2018 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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