

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38105 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- HATHAURI District- Muzaffarpur

MD. SALMAN SON OF MD. SABBIR RESIDENT OF VILLAGE- TEHAI
MADARIPUR, P.S.- MINAPUR, DISTRICT MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-02-2021 Heard Mr. Sunil Kumar Pandey, learned counsel for
the petitioner and Mr. Nawal Kishore Prasad, Additional Public
Prosecutor for the State.

2. Petitioner seeks regular bail in connection with
Hathuri PS Case No. 41/2020 registered for the offence
punishable under Sections 392 of the IPC and subsequently,
Sections 395 and 412 of the IPC were added.

3. The allegation, as per First Information Report, is
that the informant was intercepted by some miscreants sitting on
two motorcycles and they snatched Rs. 10,400/- as well as
motorcycle from the informant on the gun point.

4. Learned counsel for the petitioners submits that the
petitioner has not committed any offence in the manner alleged
and from the First Information Report itself, it would be evident
that the miscreants, who committed snatching from the



informant, were apprehended by the co-villagers and were handed over to the police and from whose possession, the looted articles were recovered, which would be evident from the seizure list as well as handing over of the motorcycle in favour of the informant by the police (Annexed at P-16). Learned counsel further submits that the petitioner is not named in the FIR and he was arrested under Arms Act in Hathauri PS Case No.42/2020 and from there he has been remanded in this case on the basis of confessional statement of one Md. Tanvir. Learned counsel also submits that no incriminating material or looted article has been recovered from the possession of the petitioner and no TIP has been conducted. Learned counsel for the petitioner further submits that petitioner is in custody since 24.06.2020.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no incriminating material or looted article has been recovered from the petitioner and he is in custody since 24.06.2020, I am inclined to grant regular bail to the petitioner.

6. Accordingly, let the petitioner, MD. SALMAN, 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 Sri Deepak Kumar learned Judicial Magistrate 1st
Class, Muzaffarpur/ the court concerned in connection with
Hathauri PS Case No. 41/2019.

7. It is made clear that at the time of furnishing bail
bonds, all the parties shall follow the guidelines of social
distancing.

(Anil Kumar Sinha, J)

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