

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37608 of 2020

Arising Out of PS. Case No.-15 Year-2020 Thana- BABUBARHI District- Madhubani

Md Gulab Ansari, male, aged about 26 years, son of Riyas Ansari, resident of Village- Bhakua, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-02-2021

Heard Mr. Bimal Kumar, learned counsel for the petitioner and Mr. Uma Shankar Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner is in custody in connection with Babubarhi PS Case No.15 of 2020 dated 20.01.2020, instituted under Sections 379, 307 of the Indian Penal Code and 27 of the Arms Act, 1959.

3. The allegation against the petitioner, though not named in the FIR, is that he was party to the looting of the motorcycle and bag in which there was a mobile phone and cash Rs.5020/-

4. Learned counsel for the petitioner submitted that he



has been falsely implicated only on the confessional statement of the co-accused and later the police have also forced confession from him. It was submitted that there has been no recovery from him as also no Test Identification Parade. Learned counsel submitted that the petitioner is in custody in the present case since 02.05.2020 though having two other criminal cases against him under Section 379 of the Indian Penal Code.

5. Learned APP submitted that co-accused and petitioner have confessed to being party to the crime.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhubani, in Babubarhi PS Case No.15 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms



and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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