

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40056 of 2020

Arising Out of PS. Case No.-894 Year-2019 Thana- KOTWALI District- Patna

Md. Safim @ Safiq @ Md. Shafim @ Md. Safik S/o Late Liyakat Resident of
Village- Sabdalpur Rera, P.S.- Himpur Dipa, Distt- Bijnaur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

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 a case registered for the offence punishable under Sections 399, 401, 402, 413, 414 & 120 B of the Indian Penal Code and Section 25 (1-b)a, 26 & 35 of the Arms Act.

Petitioner was arrested while preparing for dacoity and there is recovery of one country made pistol and cartridge. Apart from that petitioner is accused in five other cases.



Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 06.02.2020 passed in Cr. Misc. No.6992 of 2020 with a liberty to renew the prayer for bail after framing of charge.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submitted that charges have been framed on 24.09.2020 and up till now not a single witness has been examined. Co-accused, namely, Md. Usman and others and Md. Jisan @ Md. Jishan and another have been enlarged on bail by co-ordinate bench of this court both vide order dated 14.01.2020 passed in Cr. Misc. No. 85679 of 2019 and Cr. Misc. No.86637 of 2019 respectively. The petitioner has been languishing in custody since 06.10.2019.

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 Additional Sessions Judge-II, Patna in connection with S. Tr. No.252 of 2020, arising out of Kotwali P.S. Case No.894 of 2019.

(Anjani Kumar Sharan, J)

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