

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2615 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- BARSOI District- Katihar

1. MD. HAFIJ @ HAFIJ ALAM S/O LATE AINUDDIN RESIDENT OF VILLAGE MADHE PUR, P.S.-BALRAMPUR (T), DISTRICT-KATIHAR.
2. MD. SAJJAD @ JAMALI @ SAJJADA S/O LATE AINUDDIN RESIDENT OF VILLAGE-KALYAN GOAN, P.S.-BALRAMPUR (T), DISTRICT-KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-06-2021 Heard Mr. Bimal Kumar, learned counsel for the petitioners and Mr. Nand Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Barsoi (Sudhani O.P.) P.S. Case No. 32 of 2020 registered for the offences punishable under Section(s) 395 and 397 of the Indian Penal Code, 1860.

The allegation as per the First Information Report is that 10-15 unknown persons entered into the house of the informant and assaulted him, his wife and son and looted away the ornaments of the wife and daughter-in-law of the informant.

Learned counsel for the petitioners submits that the



petitioners are not named in the First Information Report and their names transpired on the basis of confessional statement made by the co-accused Md. Hasim. Learned counsel further submits that no incriminating material and/or looted articles have either been recovered from conscious possession of the petitioner No. 1 or from his house. The silver anklet (*Payal*), toe ring (*Bichhia*) and ring which are alleged to be looted articles have been recovered from the house of the petitioner No. 2 and the same are common articles which may be available in the house of everyone. Learned counsel also submits that the petitioners have not been put on Test Identification Parade uptill now and they are in custody since 21.4.2020. The charge sheet has already been submitted in the matter. Learned counsel next submits that two cases only of the year 2011 and 2012 are pending against the petitioners in which they are on bail.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that the petitioners are in custody since 21.4.2020 and charge sheet has already been submitted in the matter as well as there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be



released on regular bail on furnishing bail bonds of Rs.20,000/-
(Twenty thousand) each with two sureties of the like amount
each to the satisfaction of learned Additional Chief Judicial
Magistrate, 1st, Katihar, in connection with Barsoi (Sudhani
O.P.) P.S. Case No. 32 of 2020.

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

(Anil Kumar Sinha, J)

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