

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15263 of 2021**

Arising Out of PS. Case No.-309 Year-2014 Thana- THAKURGANJ District- Kishanganj

MD. RASHID @ MD. ROSID S/o LATE JAINUDDIN @ MD.
JAYNUDDIN RESIDENT OF KALWAPARA, KALUA JOTE, KAMALA,
P.S.- NUXALBARI, DISTRICT- DARJEELING (W.B.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Sanjay Kumar Tiwari

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 21-10-2021 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 Section 395 & 412 of the Indian Penal
Code.

A supplementary affidavit has been filed today in
Court on behalf of the petitioner bringing on record the order
dated 08.06.2015 passed in Cr. Misc. No.16284 of 2015 by



which two co-accused have been granted bail by a co-ordinate Bench of this Court and the order dated 10.02.2016 passed in Cr. Misc. No.43290 of 2015 by which the petitioner was granted anticipatory bail.

From perusal of the case record, it appears that the petitioner was granted anticipatory bail vide order dated 10.02.2016 passed in Cr. Misc. No.43290 of 2015 but, due to unavoidable circumstances, he could not surrender before the learned Court below and was arrested by the police on 15.03.2020.

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. He is neither named in the F.I.R. nor was apprehended on the spot. 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. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused which has no evidentiary value in the eye of law. The petitioner has no criminal antecedent and has been languishing in custody since 15.03.2020.



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 Court below where the case is pending/successor Court in connection with Thakurganj (Sukhani) P.S. Case No.309 of 2014.

(Anjani Kumar Sharan, J.)

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