

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10534 of 2021**

Arising Out of PS. Case No.-14 Year-2020 Thana- SAHODARA District- West Champaran

JUMAN MIYA S/o Hoda Miya R/o Village- Choti Katraw, P.S.- Sahodra,
District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2,Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-05-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Uday Pratap Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sahodra P.S. Case No. 14 of 2020 registered for the offences punishable under Sections 395, 397 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, some unknown miscreants entered in the house of the informant in search of her devar and thereafter they looted gold and silver ornaments, cash and mobile phone. When the mother-in-law of the informant shouted, the accused persons slapped her.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has been arrested only on mere suspicion and no independent witness has identified him in the alleged occurrence. The petitioner is in custody since 07.05.2020 but he has not been put on test identification parade. The petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein as per the prosecution story, the unknown miscreants had entered into the house of the informant in search of her devar and thereafter looted away golden and silver ornaments, there being specific submission in paragraph '6' of the application that nothing has been recovered from the possession of the petitioner, he has been arrested only on mere suspicion and implicated in this case on the basis of confessional statement in police custody, he has also not been put on test identification parade though he is in custody since 07.05.2020 and in this case no independent witness has come to identify him and neither the informant nor any other witness had identified him in the alleged occurrence, prior to the present case he had no criminal antecedent, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in



connection with Sahodra P.S. Case No. 14 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

