

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4710 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

MD. ISRAFIL @ GUDDU Son of Md. Doman @ Doman Miyan Resident of
Village - Makhdumpur, Sirnia, P.s.- Katihar, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Let the defect(s), if any, be removed within a period of
four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offence punishable under Section 395 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 18.08.2021, charge-sheet has been
submitted and is a person with clean antecedent.

The informant alleges that he along with his nephew were
intercepted by five unknown criminals who looted Rs.7,25,000/-
from them and also took away articles detailed in the FIR.

Learned counsel for the petitioner submits that FIR was
against unknown and name of the petitioner came in the confessional
statement of co-accused Dhiraj Kumar. Learned counsel further



submits that despite being in custody petitioner was not put on T.I. Parade nor any incriminating article was recovered from the possession of the petitioner connecting him with the offence. Learned counsel next submits that during the course of investigation, the police claimed to have identified the petitioner in CCTV footage. Learned counsel also submits that if the petitioner was identified in CCTV footage then nothing prevented the police not to put the petitioner on T.I. Parade for getting him identified by the informant. This amply demonstrates that petitioner has been falsely implicated in the present case. Learned counsel further submits that Dhiraj Kumar Paswan has been granted bail by order dated 24.05.2022 in Cr. Misc. No. 108 of 2022 thus it is submitted that since the accused in whose confessional statement name of the petitioner transpired has been granted bail, the case of the petitioner stands on much better footing.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 18.08.2021, charge-sheet has been submitted, is a person with clean antecedent and was not put on T.I. Parade nor any incriminating article was recovered from the possession of the petitioner and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Muffasil P.S. Case No. 103 of 2021.

(Satyavrat Verma, J)

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