

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21271 of 2022

Arising Out of PS. Case No.-70 Year-2020 Thana- SANJHOLI District- Rohtas

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Maksud Ansari Son of Md. Mahaguddian Ansari Resident of Suara, P.S.-
Nokha, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Sanjhauri

P.S. Case No. 70 of 2020 registered for the offence under

Section 395 of the Indian Penal Code and Section 27 of the



Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 14.12.2021.

The allegation against the petitioner is to commit dacoity, and while committing so, taken away cash of Rs.5,000/- (Rupees Five Thousand), alongwith valuable documents like Aadhar Card, ATM Cards etc., and also taken away Brezza car, belongs to the informant.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Jitendra Kumar @ Jitendra Yadav, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 45506 of 2021 dated 28.02.2022. It is submitted that in furtherance thereof, nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of dacoity. It is further submitted that petitioner has never been put on T.I.P. It is pointed out that petitioner is involved in four more criminal cases, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of



tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in F.I.R.

In view of the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of dacoity coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sanjhauli P.S. Case No. 70 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Rohtas at Sasaram/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(ii) That one of the bailors shall be
Rukshana Khatun, who is the wife of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Archana/-

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