

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35904 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- AMAS District- Gaya

MD. SAJID ANSARI SON OF MD. HABIB ANSARI MD. HABIB Resident
of Village - Cherki Jhikatiya, P.S.- Magadh University, Bodh Gaya, Distt.-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Amas
P.S. Case No. 08/2020 registered for the offence punishable
under Section 392 of the Indian Penal Code 1860. Subsequently,
Section 411 of the Indian Penal Code was added.

The allegation, as per the First Information Report, is
that a pick up van loaded with Til of the informant was
intercepted by some miscreants sitting in the Scorpio vehicle
and out of them, one of the accused person sitting on the
Scorpio vehicle, entered into the pick up van of the informant
and left the informant at a lonely place and fled away along with
the pick up van, Mobile phone etc.



Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case on the basis of self inculpatory confessional statement. He further submits that similarly situated co-accused person Md. Amjad @ Md. Amjad Khan has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 38116/2020. He next submits that only Mobile phone of the informant has allegedly been recovered from possession of the petitioner and petitioner has been identified in the Test Identification Parade by the informant. However, learned counsel submits that the petitioner is in custody for about more than two years i.e. since 5.1.2020, the charge sheet has already been submitted and the allegation levelled against the petitioner is triable by a Magistrate.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the offence alleged against the petitioner is triable by the Magistrate, charge sheet has already been submitted, the petitioner is in custody since 5.1.2020 and similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bonds of Rs.25,000/-
(Twenty five thousand) with two sureties of the like amount
each to the satisfaction of learned Additional Chief Judicial
Magistrate, Sherghati, Gaya, in connection with Amas P.S. Case
No. 08/2020 subject to the condition that the petitioner will be
well represented on each date in the trial and if he fails to do so
on two consecutive dates, his bail bonds will be liable to be
cancelled.

(Anil Kumar Sinha, J)

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