

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39063 of 2021**

Arising Out of PS. Case No.-138 Year-2020 Thana- FORBESGANJ District- Araria

MD. SAMIM ANSARI @ SAMIM ANSARI S/o Md. Samid Ansari Resident
of Village - Bhajanpur Ward No. 1, P.S. - Forbesganj, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.

For the Opposite Party/s : Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 27-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Md. Shakir Ahmad, the learned APP for the State.

The petitioner seeks regular bail in connection with Forbesganj PS case no. 138 of 2020 instituted for the offences punishable under Sections 395, 397 of Indian Penal Code.

The allegation, according to the informant, is that on the alleged date and time of occurrence, dacoity is stated to have been committed in his house by 8-10 unknown miscreants and they are stated to have taken cash amount of



Rs. 88,000/-, jewellery of the wife of the informant, mobile phones etc. During the course of investigation, the brother of the petitioner namely Md. Naushad Ansari was arrested and certain looted articles have been recovered from his possession.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 12.02.2021. The learned counsel for the petitioner has further submitted that the petitioner is a disabled person, as is apparent from Annexure 2 to the present petition, hence it is not possible that he would have participated in the said dacoity. It is next submitted that the name of the petitioner has transpired in the present case during the course of disclosure made by his brother Naushad Ansari, after he was arrested by the police and had made a confessional statement before the police. Lastly, it is submitted that no test identification parade has been held so as to connect the petitioner with the alleged crime and moreover, no looted articles have been recovered from the conscious possession of the petitioner.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no test identification parade has taken place so as to connect the petitioner with the alleged crime and moreover, the name of the petitioner has transpired in the present case upon disclosure made in the confessional statement of the co-accused person, apart from the fact that petitioner is a disabled person, is having a clean antecedent and is languishing in custody since a long time, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Araria in connection with Forbesganj PS case no. 138 of 2020.

(Mohit Kumar Shah, J)

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