

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39565 of 2021

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

MD. NAUSHAD ANSARI @ NAUSHAD ANSARI @ NAUSAD S/O MD.
SAMID ANSARI R/O 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 : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-01-2022 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 is regarding unknown miscreants, 8-10 in number, having snatched a sum of Rs. 88,000/-, jewellery, mobile phones etc. from the informant



and his family members, after committing robbery in his house.

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 no test identification parade has been held till date so as to connect the petitioner with the alleged crime and moreover, the looted cash amount has also not been recovered from the conscious possession of the petitioner, however it is stated that one mobile phone was recovered from the petitioner, nonetheless, its test identification parade has not been held so as to show that the same belongs to the informant. Lastly, it is submitted that the main accused appears to be Md. Azam who has, in fact committed the said robbery.

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 been held till date so as to connect the petitioner with the



alleged crime apart from the fact that the petitioner is having a clean antecedent, 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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