

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40417 of 2021

Arising Out of PS. Case No.-189 Year-2020 Thana- GOPALPUR District- West Champaran

ISHLAM ANSARI S/o Mubarak Ansari @ Mobarak Miyan R/O Village -
Jaminiya, P.S. - Jagdishpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-01-2022 Heard the parties through video conferencing.

Petitioner seeks regular bail in connection with
Gopalpur P.S. Case No. 189 of 2020 registered for the offence
under Sections 392 of the I.P.C.

Learned counsel for the petitioner submits that due to
typographical error in the 1st paragraph instead of Section 392 of
the I.P.C., Sections 399, 402 and 412 of the I.P.C. and Section
25 (1-B) a , 26 and 35 of the Arms Act has been typed.

Accordingly, let it be read as Section 392 of the
I.P.C.

As per the First Information Report lodged by the
owner of the tractor stating therein that his driver Madhai
Manjhi was coming back to his home was accosted by four
unknown miscreants, who assaulted the driver of the informant



and fled away with the tractor.

Learned counsel for the petitioner submits that petitioner is not named in the First Information Report and he has been implicated in this case on the basis of confessional statement made by the co-accused / Jahangir Alam and Ramlal Shah . He further submits that looted tractor was not recovered from the possession of the petitioner, the petitioner was put on Test Identification Parade but the driver of the informant did not identify the petitioner which would be evident from Annexure- 2 to the bail petition, the petitioner is in custody since 22 / 01 / 2021 , charge sheet has already been submitted and trial is not likely to be concluded in near future.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that driver of the tractor did not identify the petitioner in the Test Identification Parade, he is in custody since 22 / 01 / 2021 , charge sheet has already been submitted and trial is not likely to be concluded in near future due to Covid 19 pandemic , I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to



the satisfaction of learned A.C.J.M.1st, Bettiah, West Champaran
in connection with Gopalpur P.S. Case No. 189 of 2020 on the
following condition:-

(i) that the petitioner shall remain present on
each and every date during the course of trial and in
case of default on two consecutive dates on the part
of the petitioner, his bail bond shall liable to be
cancelled.

(Anil Kumar Sinha, J)

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