

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43023 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- BODHGAYA District- Gaya

=====

BALI BHUIYAN @ RAMBALI BHUIYAN Son of Late Fakirchand Bhuiya
@ Late Fakirchand Manjhi Resident of Village - Mohabatapur, P.S.-
Sherghatti, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Adv.
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-01-2022 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 the learned APP for the State, Sri Anil Kumar Singh No. 1.

The petitioner seeks regular bail in connection with Bodhgaya P.S. Case No. 260/2020, registered for the offence punishable under Section 395 of the Indian Penal Code.



The allegation is regarding six unknown miscreants having apprehended the informant, whereafter they had looted cash amount, apart from his smart card, pan card etc.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 29.7.2020. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case on account of his bad criminal antecedent, however, the fact is that the last criminal case was instituted against him in the year, 2008. It is further submitted that no Test Identification Parade has been held so as to connect the petitioner with the alleged crime. It is next submitted that charges have been framed against the petitioner and the trial is going on, however, in the ongoing trial, the informant has been examined, but he has been declared hostile and similarly one other witness has been examined, but he has



also been declared hostile.

Per contra, the learned APP 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 petitioner 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, no looted articles have been recovered from the conscious possession of the petitioner and the petitioner is stated to be languishing in custody since a long time, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 4th, Gaya in connection with



Bodhgaya P.S. Case No. 260 of 2020.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

