

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34071 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- GANDHIMAIDAN District- Patna

MD. AFSAR S/o Md. Fazilat Hussain R/o Mohalla- Bhikhana Pahari, P.S.-
Kadamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Munni Kumar Moon
For the Opposite Party/s	:	Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-08-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Gandhi Maidan P.S. Case No. 99 of 2022 registered for the offence under Section 394 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 07.03.2022.

The allegation against the petitioner is to purchase the looted articles from accused persons.

Learned counsel appearing on behalf of the petitioner submitted that, admittedly, petitioner is running a shop of scrap. It is also submitted that looted articles was purchased, without having any specific knowledge as regard to occurrence. It is also submitted that



nothing surfaced during course of investigation, which may suggest that the petitioner was under knowledge that goods purchased by him is looted/stolen property. It is also submitted that witnesses of seizure are not independent, who are police, which further creates a doubt over entire seizure process. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in FIR.

Considering the facts and circumstances as mentioned above, as the petitioner is scrap dealer, where seizure list is not supported by independent witnesses coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Gandhi Maidan P.S. Case No. 99 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIV, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

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

