

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43000 of 2021**

Arising Out of PS. Case No.-336 Year-2019 Thana- BELHAR District- Banka

MD. AURANGJEB @ MD. AURANGJAB S/o Md. Hakman @ Md. Hakmen
R/o village- Ghorghat, P.S.- Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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

2 07-01-2022 Heard the learned counsel appearing for the petitioner and
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Belhar P.S. Case No. 336 of 2019 for the offence punishable under Section 398 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The allegation is regarding the accused persons including the petitioner herein having tried to commit loot in a bank, however, they were arrested by the police and upon search, one country made pistol along with one live cartridge and a mobile phone was recovered from the possession of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 31.10.2019.



The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one other case but he is on bail in the said case. It is also submitted that at best the incident in question can be stated to be an unsuccessful attempt to commit loot in a branch of Bank of India. Lastly, it is submitted by the learned counsel for the petitioner that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of his Court vide order dated 16.04.2021 passed in Criminal Misc. No. 6041 of 2021.

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 petitioner and taking into account the period of incarceration of the petitioner as also considering the parity of the case of the petitioner with that of the co-accused person who has already been granted bail, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka



in connection with Belhar P.S. Case No. 336 of 2019.

(Mohit Kumar Shah, J)

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