

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42278 of 2021**

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

SHAHNAWAJ MIAN @ SAHNAJ MIAN @ SHAHNAJ SHEIKH @
SHAHNAWAJ PARWEJ Son of Parwej Alam @ Tuntun Resident of Village -
Bela Sheikhtoli, Ward No.09, P.S.- Ramgarhwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 09-02-2022 Heard learned counsel for 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 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 Ram Lal Sah. He further submits that the looted tractor was not recovered from the possession of the petitioner. Learned counsel referring to paragraph no. 3 of the supplementary affidavit submits that the petitioner was put on Test Identification Parade but the driver of the informant did not identify the petitioner which would be evident from perusal of Annexure- 2 to the supplementary affidavit. The petitioner is in custody since 19 / 02 / 2021 , charge sheet has already been submitted and trial is not likely to be concluded in near future. He next submits that similarly situated co-accused / Ishlam Ansari has been granted bail by this court in Cr. Misc. No. 40417 of 2021.

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 19 / 02 / 2021, charge sheet has already been submitted, similarly situated co-accused has been granted bail by this court 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 C.J.M., West Champaran, Bettiah 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)

praful/-

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

