

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43200 of 2021**

Arising Out of PS. Case No.-48 Year-2020 Thana- NAVINAGAR District- Aurangabad

MD. BANTI Son of Nanhku Resident of Village - Obra, P.S.- Obra, District – Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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

4 07-01-2022 Heard Mr. Ashok Kumar Singh, learned counsel for the petitioner and Mr. Syed Ehteshamuddin, Additional Public Prosecutor for the State *via* virtual conferencing.

Petitioner seeks regular bail in connection with Nabinagar PS Case No. 48/2020 registered for the offence punishable under Section 394 of the IPC.

As per prosecution story, the informant was intercepted by four miscreants while he was driving his car and the accused persons on the gun point snatched the said car and fled away. It is further stated in the FIR that the informant can identify the criminals.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case by the police with oblique motive inasmuch as petitioner was arrested in Obra PS Case No. 237/2020 and he has been remanded in the present



case from Obra PS Case No. 237/2020 on 25.01.2021 without any material or evidence against the petitioner and just on the basis of information received by the police from spy.

Learned counsel further submits that reference of para-142 of the case diary mentioned in the order impugned wherein it has been stated that the looted vehicle/car having been recovered from the possession of the petitioner is an error of records inasmuch as from para-142 of the case diary, it would be evident that the looted car in question was brought to the police station in connection with Obra PS Case No. 237/2020 and the car was recovered from Madarsa Mohalla near Transformer and not from the possession of the petitioner. He next submits that petitioner is in custody since 25.01.2021 and the similarly situated co-accused, Ajit Yadav *vide* Cr. Misc. No. 31866/2021 has been granted bail by this Court.

Learned counsel further submits that in the order impugned, it has been mentioned that petitioner, besides the present one, has three more criminal cases as antecedents i.e., Obra PS Case No. 164/2018, Obra PS Case No. 300/2019 and Obra PS Case No. 237/2020 which is an error of record inasmuch petitioner has got only one criminal case as antecedent i.e., Obra PS Case No. 237/2020 wherein he is on



bail.

Learned counsel for the State, after going through para-142 of the case diary, confirms the statement made by learned counsel for the petitioner that the car in question has not been recovered from the possession of the petitioner.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused, Ajit Yadav has been granted bail by this Court, the said car has not been recovered from the possession of the petitioner, petitioner is in custody since 25.01.2021, he has not been put on test identification parade by the police and the charge-sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, MD. BANTI 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, Aurangabad in connection with Nabinagar PS Case No. 48/2020.

(Anil Kumar Sinha, J)

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