

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43671 of 2021**

Arising Out of PS. Case No.-464 Year-2019 Thana- MASHRAK District- Saran

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ARSHAD MIYA @ ARSHAD ANSARI Son of Late Nabi Rasul Resident of  
Village- Shripur, P.S.- Sahajitpur, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      02-02-2022                      Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the  
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the  
complete start of the physical Court in normal course.

Petitioner, who is in custody since 24.10.2020, seeks  
regular bail in connection with Mashrakh P.S. Case No. 464 of  
2019 registered for offences punishable under Section 394 of the  
Indian Penal Code.

Prosecution case, in brief, is that on 24.10.2019, at  
about 7:30 p.m., when the informant along with his nephews  
was returning to his house after closing his electric shop at  
Gurhna Bazar, near Southern side of village Samastpura, a  
motorcycle hit them and they fell down over the ground.



Thereafter, accused persons assaulted the informant continuously for 15 minutes and thereafter another motorcycle arrived there having two persons and they also assaulted the informant and snatched his bag containing Rs. 85,000/- cash and other important documents therein and they also took away the motorcycle of the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been roped in the present case on the basis of his confessional statement while he was in police custody in connection with Mashrakh P.S. Case No. 557 of 2019 and police has remanded him in the present case. He further submits that petitioner is not named in the F.I.R. and the F.I.R has been lodged against unknown persons. He is in custody since 24.10.2020.

Learned A.P.P. for the state has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, period of custody of the petitioner, he is not named in the F.I.R. and the same is lodged against some unknown persons, there is no allegation of tampering the evidence or influencing the witnesses as well as trial is not likely to be concluded soon due to COVID-19, the petitioner,



above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Chapra, Saran in connection with Mashrakh P.S. Case No. 464 of 2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Purnendu Singh, J)**

Niraj/-

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