

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50005 of 2021

Arising Out of PS. Case No.-10 Year-2019 Thana- KOTWALI District- Munger

Md. Imteyaz @ Tonny @ Tomi Son of Md. Jamil Resident of Village -
Churamba, Police Station - Kotwali (Basudeopur O.P.), District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-01-2022 Heard learned counsel for the petitioner and Shri Bal Mukund Prasad Sinha, learned A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with Kotwali P.S. Case No. 10 of 2019 instituted for the offences under Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.06.2020, charge-sheet has been submitted in the case and has antecedent of one case as mentioned in paragraph '3' of the bail application.

Learned counsel for the petitioner submits that allegation is of looting Rs. 1,800/-, jacket, muffler, glove, mobile etc of the informant after assaulting him on his head by butt of the pistol leading to injury by four unknown accused persons.



Learned counsel for the petitioner submits that petitioner till date has not been put on test identification parade when during course of investigation it is alleged that the looted mobile was recovered from his possession. It is further submitted that even the mobile was not put on test identification parade and it absolutely does not stand to reason that when the Investigating Officer arrested the accused and recovered the mobile then why the accused was not put on test identification parade. Learned counsel submits that petitioner was also arrested in Kotwali P.S. Case No. 436 of 2019 and in that case the petitioner was made to confess his participation in the present case. It is further submitted that co-accused Md. Reyaz @ Chiku has been granted bail vide order dated 29.01.2022 in Cr. Misc. No. 49591 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner but is not able to meet the submission of learned counsel for the petitioner that as to why the petitioner was not put on test identification parade when it is alleged that the looted mobile was recovered from his possession.

Considering the fact that the petitioner is in custody since 29.06.2020, charge-sheet has been submitted in the case



he was not put on test identification parade, co-accused has been granted bail and the petitioner was made to confess in a different case about his participation in the present case, as aforesaid, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Munger in connection with Kotwali P.S. Case No. 10 of 2019 with a condition that one of the bailors shall be the father of the petitioner (Md. Jamil) and in the event if the petitioner gets implicated in a case of similar nature, the court below will be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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