

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50772 of 2021

Arising Out of PS. Case No.-393 Year-2021 Thana- ARARIA District- Araria

MD AFSAR Son of Md. Hasim Resident of Village- Kamalpur, Ward No.01,
P.S.- Jalalgarh, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh Mr. Bijendra Kumar Singh
For the Opposite Party/s	:	Mr. Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 10-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Araria Police Station Case No. 393 of 2021, registered for the
offences punishable under Section 392 of the Indian Penal
Code.

Four unknown criminals looted the loaded tractor
and trailer of the informant after tying his hands and legs. They
also looted mobile phone, cash of Rs. 800/- from him.

Learned Counsel for the petitioner submits that the
petitioner has got no criminal antecedent and he has been
implicated in this case on the basis of the suspicion during the
course of investigation and no looted article has been recovered



from the possession of the petitioner and the petitioner has also not been put on Test Identification Parade. He further submits that the finding arrived at by the learned Sessions Judge, in the impugned order, that the loaded tractor and trailer has been recovered on the basis of confessional statement of the petitioner is an error of record and the fact of the matter is that the loaded tractor and trailer has been recovered on the basis of confessional statement of co-accused Seraj Alam, which would be evident from paragraph 65 of the case diary. He further submits that the petitioner is in custody since 21.05.2021 and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the looted tractor and trailer has been recovered at the instance of the co-accused Seraj Alam and not at the instance of this petitioner, looted mobile phone has also not been recovered from the possession of the petitioner, charge sheet has already been submitted and the petitioner is in custody since 21.05.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Araria Police Station Case No. 393 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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