

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57723 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- SIKARPUR District- West Champaran

Jahir Mian S/O Ashin Miyan R/O Village-Tuniya, P.S-Bettiah Muffasil
(MANUAPUL), District-West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Umashankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2022 Heard.

The petitioner seeks regular bail in connection with shikarpur P.S. Case No. 75 of 2021, registered for the offence punishable under sections 379/411 of the Indian Penal Code.

The allegation is regarding the informant having parked his bike in the premises of the Government Hospital, Narkatiyaganj and when he had returned there, he saw that the co-accused person namely Hasmuddin Mian was trying to unlock the motorcycle and flee away with the same, however, he was caught by the people present at the place of occurrence. The said



arrested co-accused person is stated to have disclosed that the petitioner is also one of the person who was present at the place of occurrence, but had managed to flee away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 27.7.2021. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case merely upon disclosure made by the co-accused person namely Hasmuddin Mian, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.1.2022 passed in Cr. Misc. No. 43787 of 2021. It is further submitted that only on account of the bad criminal antecedent of the petitioner herein, he has been roped in the present case.

Per contra, Shri Umashankar Prasad Singh, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that neither the petitioner was arrested from the spot nor any incriminating articles much less the motorcycle in question has been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 75 of 2021.

(Mohit Kumar Shah, J)

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