

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59388 of 2021

Arising Out of PS. Case No.-324 Year-2020 Thana- DUMRAO District- Buxar

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MITHU HASHAMI @ ASHARAF S/o Asgar Hashami @ Asgar Ali Resident
of Ward no. 13, Takia Muhalla, Dumraon, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

The petitioner seeks regular bail in connection with
Dumraon P.S. Case No. 324 of 2020 registered for the offence
punishable under Section 392 of the Indian Penal Code 1860.

The prosecution case, as per the First Information
Report, is that the informant was accosted by three unknown
persons on the gun point and the miscreants looted a sum of
Rs.8,75,000/- of the informant.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case on the basis of
confessional statement of the petitioner as well as co-accused
persons. He further submits that the petitioner was arrested in
Dumraon P.S. Case No.22/2021 and from where he has been



remanded in the present case on the basis of his confessional statement. He next submits that except confessional statements, there is no other material to connect the petitioner with the present offence inasmuch as no incriminating material and/or looted property has been recovered from possession of the petitioner and the petitioner has also not been put on Test Identification Parade as yet. He further submits that similarly situated co-accused persons have been granted bail by this Court in Cr. Misc.55638 of 2021 and 35105 of 2021 respectively. The petitioner is in custody since 03.02.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that no incriminating material and/or looted property has been recovered from the possession of the petitioner, similarly situated co-accused persons have been granted bail by this Court, the petitioner is in custody since 03.02.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bonds of Rs.10,000/-
(Ten thousand) with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Buxar, in
connection with Dumraon P.S. Case No. 324 of 2020 subject to
the condition that the petitioner will be well represented on each
date in the trial and if he fails to do so on two consecutive dates,
his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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