

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67489 of 2021

Arising Out of PS. Case No.-71 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

Shabbi Haidar @ Sabi Haidar S/O Noor Alam R/O Village- Padawo Nawati
Tola, P.S.- Mughalsarai, District- Chanduali (U.P.)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66182 of 2021

Arising Out of PS. Case No.-71 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Birbal Mushar Son Of Babban Mushar R/O Village- Dumraith, P.S.- Bhabhua, District- Kaimur (bhabhua).
2. Lagan Mushar @ Suresh Mushar Son Of Babban Mushar R/O Village- Dumraith, P.S.- Bhabhua, District- Kaimur (bhabhua).
3. Wazir Mushar Son Of Babban Mushar R/O Village- Dumraith, P.S.- Bhabhua, District- Kaimur (bhabhua).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68545 of 2021

Arising Out of PS. Case No.-71 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

Kalam Ahmad Son Of Jamal Ahmad Resident Of Village - Chaurahath Padao,
P.S.- Mughalsarai, Distt.- Nchandauli (u.p.)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69433 of 2021

Arising Out of PS. Case No.-71 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)



Mahfuz Alam @ Khan Son Of Zaheer Alam Resident Of Village - Teliyabagh,
Makan No.C 28/2 P.S. Chetaganj, Distt.- Varanasi (u.p.)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67489 of 2021)

For the Petitioner/s : Mr. Syed Asgher Najmi

For the State : Mr. Rana Randhir Singh

For the Informant : Mr. Arjun Prasad

(In CRIMINAL MISCELLANEOUS No. 66182 of 2021)

For the Petitioner/s : Mr. Jitendra Kumar Giri

For the State : Mr. Chandra Bhushan Prasad

For the Informant : Mr. Murli Dhar

(In CRIMINAL MISCELLANEOUS No. 68545 of 2021)

For the Petitioner/s : Mr. Parwej Khan

For the State : Mr. Yogendra Kumar Singh

For the Informant : Mr. Arjun Prasad

(In CRIMINAL MISCELLANEOUS No. 69433 of 2021)

For the Petitioner/s : Mr. Pawan Kumar Singh

For the State : Mr. Tarun Prasad Mandal

For the Informant : Mr. Arjun Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-04-2022 **CRIMINAL MISCELLANEOUS No.67489 of 2021**

Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 379, 504, 506/ 34
of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 28.07.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.



The learned counsel for the petitioner submits that the informant alleges that some armed miscreants came and took away 80 sheeps of the informant in a pick-up van and the role of one Narayan Mushhar was suspected behind the occurrence.

The learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and his name transpired in the confessional statement of Birbal Mushhar after three and half months of the occurrence.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application and submits that the alleged van on which the sheep were transported were recovered and the name of the petitioner transpired during the course of investigation.

The learned counsel for the petitioner rebuts the submissions made by the learned counsel for the informant and submits that the F.I.R. does not disclose the number of the vehicle and as such, it does not stand to reason that on what basis the alleged vehicle was recovered when there was no recovery of any sheep from the possession of the petitioner.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and his name transpired in the



confessional statement of co-accused and co-accused has been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Chainpur P. S. Case No.71 of 2021.

The application stands allowed.

CRIMINAL MISCELLANEOUS No. 66182 of 2021

Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 379, 504, 506/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are in custody since 26.07.2021, charge-sheet has been submitted in the case and have antecedents of two cases.

The learned counsel for the petitioners submits that the informant alleges that some armed miscreants came and took away 80 sheeps of the informant in a pick-up van and the role of one Narayan Mushhar was suspected behind the occurrence.



The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. The petitioners were put on T.I. Parade three and half months after the occurrence and it is alleged that the informant identified only Birbal Mushar and the petitioner nos.2 and 3 were not identified. The learned counsel submits that when the petitioner no.1 was arrested on 26.07.2021, then why the T.I. Parade took so long time. It is submitted that the fact that Lagan Mushar @ Suresh Mushar and Wazir Mushar were also arrested and they had not participated in the occurrence as they have not been identified by the informant. Hence, it appears that the police based on suspicion went on arresting the accused in the present case.

The learned counsel submits that in the event of acquittal of the petitioners in the trial, how their period of incarceration will be compensated and in the event, if the petitioners are convicted, they will serve the sentence.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioners that the T.I. Parade took place after three and half months.



Considering the fact that the petitioners are in custody, charge-sheet has been submitted in the case and in the nature of allegation as alleged and co-accused has been granted bail, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Chainpur P. S. Case No.71 of 2021.

The application stands allowed.

CRIMINAL MISCELLANEOUS No. 68545 of 2021

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 379, 504, 506/ 34 of the Indian Penal Code and later on, Sections 395, 411, 412 and 414 of the I.P.C. was also added.

The learned counsel for the petitioner submits that the petitioner is in custody since 28.07.2021, he is a person with clean antecedent and charge-sheet has been submitted in the case.

The learned counsel for the petitioner submits that the



informant alleges that some armed miscreants came and took away 80 sheeps of the informant in a pick-up van and the role of one Narayan Mushhar was suspected behind the occurrence.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and in the T. I. Parade, which was conducted three and half months after the arrest of the petitioner. It is alleged that the informant identified him. The learned counsel submits that since the petitioner was in custody for such a long period and as such, the informant might have come to know and subsequently identified him in the T.I. Parade.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioner that the T.I. Parade was held after three and half months of the arrest of the petitioner.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and in the nature of allegation and that co-accused has been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Chainpur P. S. Case No.71 of 2021.

The application stands allowed.

CRIMINAL MISCELLANEOUS No. 69433 of 2021

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 379, 504, 506/ 34 of the Indian Penal Code and later on, Sections 395, 411, 412 and 414 of the I.P.C. was also added.

The learned counsel for the petitioner submits that the petitioner is in custody since 28.07.2021, he is a person with clean antecedent and charge-sheet has been submitted in the case.

The learned counsel for the petitioner submits that the informant alleges that some armed miscreants came and took away 80 sheep of the informant in a pick-up van and the role of one Narayan Mushhar was suspected behind the occurrence.

The learned counsel for the petitioner submits that the T.I. Parade was conducted three and half months after the arrest of the petitioner, but in the T.I. Parade also the informant was



not able to identify the petitioner, which amply demonstrates that innocent people falsely implicated in the present case.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioner that the T.I. Parade was held after three and half months of the arrest of the petitioner.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and that co-accused has been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Chainpur P. S. Case No.71 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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