

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8809 of 2023

Arising Out of PS. Case No.-233 Year-2020 Thana- KOCHAS District- Rohtas

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Aarif Husain S/O Aftab Alam Resident Of Village- Town Nai Bazar, P.S.-
Buxar (Town), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 394, 302, 307 of the Indian Penal Code and

Section 27 of the Arms Act.

The prosecution case as per F.I.R is that on

14.12.2020 at 1:00 O' clock, the informant and his son

went to deposit Rs. 14 lakh 30 thousands of Hindustan



Auto Mobile but as soon as the son of the informant came out from his vehicle with bag to deposit cash in the bank, one miscreant shot at him, as a result of which, he fell on the ground. It further alleged that another miscreant snatched the money bag and both miscreants started to flee away by opening fire. Although all the three miscreants succeeded to flee away but the money bag was succeeded to be snatched from the miscreants. Thereafter, the son of the informant was taken to the hospital where the doctor declared him dead.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R and his name surfaced on his self confession which was recorded in Dumraon P.S. Case No. 01 of 2021 before the police which has no evidentiary value in the eye of law. The petitioner was not apprehended from the spot. Nothing has been recovered from the conscious possession of the petitioner. During investigation, no



consistent material evidence has been collected against the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. The T.I.P has still not been held. The petitioner was remanded in the present case on 25.02.2022 from Dumraon P.S. Case No. 01 of 2021 and since then he is rotting in jail.

Learned counsel appearing on behalf of the informant and A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that from perusal of para 200 of the case diary, it appears that petitioner was identified in the C.C.T.V footage wherein he was seen running away with carrying the bag of money and was actively involved in the crime. The charge-sheet has already been submitted in this case.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial
Magistrate, Rohtas at Sasaram in connection with
Kochas P.S. Case No. 233 of 2020.

(Sunil Kumar Panwar, J)

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