

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20157 of 2022**

Arising Out of PS. Case No.-457 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

MD. SOHAIL SON OF MD. TOHID R/O VILLAGE- PRATAP PATTI, P.S.-
SAHEBGANJ, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 04-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Sahebganj PS case no. 457 of 2019 instituted for the offences punishable under Sections 395 of the Indian Penal Code.

The allegation is regarding the son of the informant having been intercepted by six unknown miscreants while he was returning back to his home after closing his shop, at around 11.40 pm on 29.10.2019 and then the said miscreants had snatched a sum of Rs. 48,400/- on pistol point.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case he is having a clean antecedent and is languishing



in custody since 07.02.2022. The learned counsel for the petitioner has further submitted that the name of the petitioner has transpired in the present case upon the confessional statement made by the co-accused Raja Singh, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 08.09.2020, passed in Cr. Misc. no. 23162 of 2020. It is also submitted that neither any test identification has been held till date so as to connect the petitioner with the alleged crime nor any looted cash amount has been recovered from the petitioner, hence, the petitioner is having no complicity in the matter.

Per contra, 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 learned counsel for the parties and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that neither any test identification parade has been held so as to connect the petitioner with the alleged crime nor any looted cash amount has been recovered from the possession of the petitioner, apart from the fact that the co-accused person, on whose disclosure, the name of the



petitioner has transpired in the present case, has already been granted privilege of bail by a co-ordinate Bench of this Court, thus, I deem it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, West Champaran in connection with Sahebganj PS case no. 457 of 2019.

(Mohit Kumar Shah, J)

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