

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30177 of 2022

Arising Out of PS. Case No.-275 Year-2021 Thana- AHYAPUR District- Muzaffarpur

MD. RASHID, Son of Md. Afzal, R/O Village- Thikhi, P.S.- Hathauri,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Prakash Shharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 09-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Ahiyapur P.S.
Case No. 275 of 2021 registered for the offence punishable under
Section 392 of the Indian Penal Code.

The allegation is regarding four unknown miscreants
having entered the office of the informant where the informant and
other employees were counting cash, whereafter, they had taken out a
pistol and had looted cash sum of Rs.14,00,000/- (Fourteen lakh
rupees) from the counter and *almirah* present in the office and,
thereafter, they had locked the informant and his associates,
whereupon, they had fled away.

Learned counsel for the petitioner submits that the
petitioner is innocent. He has been falsely implicated in the present



case, he is languishing in custody since 28.12.2021. It has further been submitted that though the petitioner is an accused in one other criminal case, but he is on bail in that case. Neither any looted cash amount has been recovered from the conscious possession of the petitioner nor any test identification parade has been held till date so as to connect the petitioner with the alleged occurrence. Similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court in *Cr. Misc. Nos. 19103 of 2022, 59253 of 2022 and 58607 of 2022*. Lastly, it is submitted that the name of the petitioner has transpired in the present case on account of disclosure made by one another co-accused persons namely Aniket Yadav. Moreover, investigation is also complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody, manner of petitioner's implication coupled with the fact that no test identification parade has been held so as to connect the petitioner with the alleged crime and claim based on parity, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Muzaffarpur, in connection with Ahiyapur P. S. Case No. 275 of



2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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