

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45147 of 2023

Arising Out of PS. Case No.-474 Year-2019 Thana- MAHUA District- Vaishali

SHEIKH SAHABUDDIN @ BOBBY @ BABUL, aged about 26 yrs., SON
OF SHEIKH SAYAD @ SHEKH SAIYAD ALI, RESIDENT OF VILLAGE-
TANGAUL, PS -HAJIPUR TOWN, DISTRICT -VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Ms. Bela Singh, Advocate
For the Opposite Party/s: Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 25-07-2023 1. Heard learned senior counsel for the petitioner and
the learned APP for the State.
2. Petitioner seeks regular bail in connection with
Mahua P.S. Case No. 474 of 2019 dated 20.08.2019 registered
for the offence(s) punishable under Section(s) 395 and 397 of
the Indian Penal Code.
3. The main submissions advanced by the learned
senior counsel for the petitioner are that in the present time the
petitioner's health condition is not good and his both shoulders
have dislocated and in this regard, medical prescription of his
treatment issued by Sadar Hospital, Hajipur has been attached
along with "Mentioning Slip" on which basis the matter has
been taken up for hearing today and in respect of the alleged



commission of the offence, three FIRs were lodged, one relates to the main occurrence of dacoity and second relates to two co-accused persons who made an attempt to flee on a motorcycle from the place of occurrence and they were apprehended and from their possession, arms and motorcycle were recovered, regarding which Hajipur Sadar P.S. Case No.552 of 2019 was lodged and in that matter, co-accused, namely, Raja @ Prince @ Sarfraj, who was apprehended, recorded his confessional statement in which he revealed the role of this petitioner and others in the alleged crime and the said co-accused has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.29147 of 2020 and in Hajipur Sadar P.S. Case No.552 of 2019, the petitioner was granted anticipatory bail. Further submissions are that co-accused, Rahul Kumar Singh @ Anupam Kumar, Sanjay Mahto @ Bechan and Chhaputa @ Golu have been granted bail by different co-ordinate Benches of this Court vide orders passed in Cr. Misc. Nos.18701 of 2021, 64304 of 2021 and 4547 of 2022 respectively. Further submission is that petitioner was not put on Test Identification Parade (T.I.P.) despite the informant having claimed in the FIR to be able to identify the accused persons who committed dacoity in his house.



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

5. Having regard to the facts and circumstances of the case and considering the above submissions and mainly the facts that co-accused, Raja @ Prince @ Sarfaj on whose statement, the petitioner's name came into light as per above submission, is on bail and as per petitioner's counsel, from the possession of the petitioner, any looted article was not recovered and he was not put on Test Identification Parade (T.I.P.), in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Mahua P.S. Case No. 474 of 2019 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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