

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45706 of 2022

Arising Out of PS. Case No.-375 Year-2022 Thana- FORBESGANJ District- Araria

Md. Raju @ Raja Son Of Md. Rafik R/O Village- Dallu Tola, Ward No. 18,
P.S.- Forbesganj, District Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
For the Opposite Party/s : Mr. Pronoti Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 05-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

Petitioner seeks regular bail in connection with Forbesganj P.S. Case No. 375 of 2022 dated 09.04.2022 registered for the offence punishable under Section 394 of the Indian Penal Code.

As per the prosecution, two miscreants looted the motorcycle of the informant containing Rs. 1,50,000/- in the *dikki* of the said motorcycle.

The main submissions advanced by petitioner's



counsel are that the FIR was registered against unknown persons and as per the informant, the accused persons were aged about 30 to 35 years when the alleged occurrence took place and they had their face uncovered at the time of commission of the alleged loot but the petitioner's age is 21 years and he was simply implicated for the reason that he was seen roaming near the place of occurrence as per the prosecution but after his arrest he was not put on *Test Identification Parade* despite the informant having claimed to have seen the accused persons and also claimed to identify the accused persons and moreover after the petitioner's arrest, no any incriminating material was recovered from his possession. Further submission is that two co-accused persons namely Md. Azad @ Sajjad and Dinesh Kumar Sah @ Dinesh Kumar, who were carrying similar nature of allegation, have been granted bail by different Benches of this Court vide orders dated 24.12.2022 and 23.12.2022 passed in Cr. Misc. Nos. 51671/2022 and 53279/2022 respectively and in respect of the involvement of the petitioner in the alleged crime, the prosecution is mainly relying upon his statement given before the police.

Learned APP appearing for the State has opposed the bail prayer but fairly accepted that the petitioner was not put on



Test Identification Parade and no any incriminating material was recovered from the conscious possession of the petitioner.

Considering the above submissions as well as the petitioner's custody period and also the privilege of bail having been granted to two co-accused persons as mentioned-above and also taking into account the young age of the petitioner, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail 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 in connection with Forbesganj P.S. Case No. 375 of 2022.

(Shailendra Singh, J)

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