

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46689 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- DUMRA District- Sitamarhi

MD. AFSAR SON OF MD. ALLAUDDIN R/O VILLAGE- RAIN
KHARKA, P.S.- RUNNISAIDPUR, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dumra
P.S. Case No. 176 of 2022 registered for the offence under
Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 08.05.2022.

The allegation against the petitioner is to commit
robbery along with other co-accused persons, while committing
so, taken away motorcycle, mobile phone, cash of Rs. 10,000/-,
Aadhar Card, etc., belongs to informant.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in the FIR and name of the petitioner surfaced, during course of investigation, on the basis of confessional statement of co-accused, namely, Sonu Sahni, in furtherance, thereof nothing incriminating material recovered/surfaced, during course of investigation, which may connect this petitioner, *priam facie*, with the occurrence of robbery. It is submitted that said co-accused, namely, Sonu Sahni was put on TIP and was identified by the informant and despite the same the bail was granted to him by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 45971 of 2021 dated 23.12.2022, whereof, the present petitioner was not identified during TIP by the informant. While concluding the argument, it submitted that petitioner is a man of clean antecedent investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner was not named in the FIR.

Considering the facts and circumstances as mentioned above, as informant failed to identified petitioner during TIP coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Dumra P.S. Case No. 176 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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