

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46931 of 2022

Arising Out of PS. Case No.-745 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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ALI HASAN @ ALI HASSAN MIYAN @ MUKHIYA S/o Chinagi Miyan
Resident of Village- Sirisiya, P.S.- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Zainul Abedin, Advocate

For the Opposite Party/s : Mrs.Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-01-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Bettiah Town P.S. Case No. 745 of
2020 for the offence registered under Section 392
of the Indian Penal Code.

The allegation is regarding unknown
miscreants having intercepted the informant, who
is stated to be the cashier of Motani Petrol Pump
while he was going to deposit a sum of Rs.
11,05,000/- in a bank, whereafter, they are stated
to have looted the said cash amount on gun point.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 19.01.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in 17 other criminal cases but he is on bail in most of them. The learned counsel for the petitioner has also submitted that no Test Identification Parade has been held so as to connect the petitioner with the alleged crime apart from the fact that no looted cash amount has been recovered from the conscious possession of the petitioner, hence the petitioner is not having any complicity in the alleged occurrence. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a Co-ordinate Bench of this Court vide order dated 14.11.2022 passed in Criminal Miscellaneous No. 2253 of 2022.

Per contra, the learned A.P.P. 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 petitioner and taking into account 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 conscious possession of the petitioner apart from the fact that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court, hence though I deem it fit and proper to admit the petitioner to the privilege of bail, however, considering his bad criminal antecedent, I deem it fit and proper to impose certain conditions.

Accordingly, the petitioner, above named, is directed to be released on bail upon him furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, District-West Champaran in connection with Bettiah Town P.S. Case No. 745 of 2020.



It is further directed that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week, starting from the day he is released from custody and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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