

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55057 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- BITHAN District- Samastipur

Md. Sabir S/O Md. Sanzur R/O Village- Morkahi Maido Chowk, Ward No.6,
P.S- Bithan, Distt.- Samastipur, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Section 394 of the Indian Penal Code.

As per allegation in the FIR, on the alleged date of occurrence the informant along with his wife and *sali* proceeded on motorcycle from a marriage at village Ron and after dropping his *sali* at village Bhikhnoliya when he along with his wife reached in between village Bhikhnoliya and Murli, then four persons covering their face with *Gamcha* armed with weapons surrounded them and assaulted to him and looted golden ornaments, mobiles, cash of Rs. 8,000/- and



other articles from the informant and his wife and fled away.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case merely on suspicion. He is not named in the F.I.R. and the F.I.R. has been lodged after the inordinate delay of 4 days without any cogent reason. Nothing incriminating articles were recovered from the conscious possession of the petitioner rather the police found it from ditch near place of occurrence and shown it in seizure list as found in the house of the petitioner. Till date no T.I.P. has been conducted to identify the real culprits or for seized article. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The petitioner is languishing in judicial custody since 17.05.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bithan P.S. Case No.53 of 2023 on furnishing bail bond of Rs. 10,000/-



(Rupees ten thousand) with two sureties of the like amount
each to the satisfaction of the learned J.M. 1st Class, Rosera,
Samastipur.

(Sunil Kumar Panwar, J)

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