

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58474 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- BIRAUL District- Darbhanga

MD. ASIF @ MD. ASHIF @ MD. ASIF ANSARI Son of Md. Habib Ansari
Resident of Village-Udaypur, P.S.-Rosera, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N. A. Shamsi, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023 Heard the parties.

The petitioner is in judicial custody in connection with Biraul P.S. Case No. 122 of 2022 (Sessions Trial No. 607 of 2022) for the offence punishable under Sections 395, 397, 412, 120B of the Indian Penal Code and section 27 of the Arms Act lodged on 7.4.2022 by the informant, Shailendra Kumar Jha.

As per the prosecution story, the accused persons committed robbery in the Punjab National Bank, Supaul Bazar, Darbhanga and looted Rs. 41,79, 457/-, this led to lodging of the FIR.

It is the case of the petitioner that during investigation his name has come, nothing has been recovered from his conscious possession and the mobile which was seized belongs



to him. Further, by way of supplementary affidavit, he has stated that he is in custody since 2.6.2022 but Test Identification Parade has not been conducted.

The last submission is that some of the co-accused namely Ajay Kumar Sahani, Ganga Ram Mukhiya, Md. Rahmat and Md. Shahnawaz Alam have been granted bail which is part of the bail petition as Annexure-2, 2/1 and 2/2.

Learned APP opposes the prayer stating that huge bank robbery was done by the accused persons.

Taking into account the fact that nothing has been recovered from his conscious possession, no T.I. Parade conducted despite the fact that he is in custody since 2.6.2022 and similar situate accused persons have been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge, Benipur, Darbhanga, in connection with Biraul P.S. Case No. 122 of 2022 (Sessions Trial No. 607 of 2022) subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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