

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58798 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

MD. AFTAB @ AFTAB ALAM @ Md. Aftab Alam S/O MD. ISLAM @
ISLAM MIA Resident of Village- Harahiya, P.S.- Siwaipatti, District-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Obaidullah, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma. APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Siwaipatti P.S. Case No. 104 of 2022, registered for the offence punishable under Section 392 of the Indian Penal Code.

The allegation is regarding unknown miscreants having surrounded the informant, who was returning along with his mother and aunt from the hospital, on the alleged date and time of occurrence, whereafter they are stated to have snatched his mobile phone and a sum of Rs. 5,000/-.



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 26.06.2022. The learned counsel for the petitioner has submitted that though the petitioner is an accused in one other case, but the police has not filed any charge-sheet against him. It is further submitted that neither any Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor any looted article/cash amount has been recovered from his conscious possession, hence the petitioner is not having any complicity in the alleged occurrence.

Per contra, the learned APP 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 on record, this Court finds that neither any Test Identification Parade has taken place so as to



connect the petitioner with the alleged crime nor any looted article/cash amount has been recovered from the petitioner, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, East, Muzaffarpur in connection with Siwaipatti P.S. Case No. 104 of 2022.

(Mohit Kumar Shah, J)

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