

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59050 of 2022

Arising Out of PS. Case No.-518 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

MD SHAHNAWAZ ALI @ SUNNI KHATAL Son of Late Afsar Ali Resident
of Mohalla- Barahpura, P.S.- Ishakchak, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 392, 295, 412 of the
Indian Penal Code and sections 25(b)A, 26 and 35 of the Arms
Act.

As per allegation in the FIR, when the informant was
in the way, he was stopped by the miscreants, who were having
arms and snatched his bag containing 29.522 gm. silver and fled
away.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He is
innocent and has not committed any offence. He has never been



put on TIP. During investigation, Md. Saddam was arrested and in his confessional statement, name of the petitioner has been surfaced in the present case and he was arrested showing recovery of one country made pistol, 180 notes of 100 denominations and redmi mobile. The seizure list in is gross violation of Section 100 Cr.P.C. as the witness of seizure list is police personnel and not the general public. No looted article has been recovered from his possession. By applying force, police took his self confessional statement, which has no evidentiary value in the eye of law. Save and except confessional statement of Saddam and self confessional statement, no other material has come against the petitioner to implicate him in the present case. Petitioner is languishing in judicial custody since 12.07.2022.

The application for bail is opposed by learned APP for the State and submitted that petitioner has sold the looted silver to a businessman, residing in Kolkata.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties



of the like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Bhagalpur in connection with Kotwali
(Tilkamanjhi) P.S. Case No. 518 of 2022.

(Sunil Kumar Panwar, J)

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