

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63616 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- SIMRI District- Darbhanga

Md. Imran Son Of Md. Basir R/O Village- Ouliabad, P.S.- Hayaghat, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Amarendra Narayan, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Simri P.S. Case No. 81 of 2022 registered for the offences punishable under Section 392 of the Indian Penal Code and later Section 411 of the IPC was added.

As per the prosecution, the informant was surrounded by some unknown miscreants, who by brandishing their pistol snatched his mobile phone, some gold articles, a cash of Rs. 4000/- (four thousand) and some cards (ATM etc).

The main submissions advanced by Mr. Amarendra

Narayan, learned counsel for the petitioner are that the FIR was lodged against unknown persons and during the course of investigation the petitioner was arrested mainly on the basis of suspicion and thereafter he was remanded in two more cases within the gap of fifteen days and he has got bail in one case and he has been languishing in jail for last nine months and after his arrest in present matter he was not put on *Test Identification Parade*. Further submission is that the petitioner is a contractor and due to professional rivalry he has been falsely roped in this case by the police and during the investigation, arrested co-accused persons did not reveal any role of the petitioner in the alleged crime.

Mr. Bharat Bhushan, learned APP for the State has opposed the bail prayer and accepted that there is no material evidence against the petitioner except the confessional statement of co-accused persons and no recovery was made from the possession of this petitioner.

In view of the facts, as stated above and also the petitioner's plea that after his arrest he was not put on *Test Identification Parade* and no recovery of any looted article was made from his possession and the said plea has not been refuted by learned APP for the State, in my view it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on

furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Simri P.S. Case No. 81 of 2022.

(Shailendra Singh, J)

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