

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1847 of 2023

Arising Out of PS. Case No.-470 Year-2022 Thana- NAGAR District- Vaishali

Rashid Latif @ Rashid Khan Son of Md. Izhar Alam @ Izhar Alam @ Majnu
R/v- Bagdulhan, P.S.- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 470 of 2022 registered for the offence under
Section 396 of the Indian Penal Code (for short 'I.P.C.').

The accused/petitioner is not named in the F.I.R. and
is in custody since 23.08.2022.

The allegation against the petitioner is to commit
murder of the husband of informant while committing dacoity
alongwith other co-accused persons and to take away several
ornaments made up of silver and gold belongs to her shop M/s.
Nilam Jewelry.



Learned counsel appearing on behalf of the petitioner submitted that it can be safely gathered from seizure list that the looted materials was recovered from the house of one Arshad Khan, who is none but the brother of this petitioner. It is submitted that as his brother was not present at the time of raid, petitioner was implicated with present case. It is also pointed out that looted articles/ornaments were not put on TIP, as to connect this petitioner with present occurrence of murder and dacoity. It is submitted that seizure list is also appearing doubtful, being not supported by independent witnesses rather by police personnels. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP while opposing the prayer of bail fairly conceded the fact that as per seizure list the house from where alleged recovery was made belongs to one Arshad Khan and not this petitioner.

Considering the facts and circumstances as mentioned above and by taking note of the disputed recovery, where petitioner is in custody since 23.08.2022, coupled with the fact



that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Town P.S. Case No. 470 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, Hajipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

