

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23513 of 2024

Arising Out of PS. Case No.-594 Year-2019 Thana- SUGAULI District- East Champaran

Ali Hasan Anshari @ Ali Hasan Miyan @ Mukhiya Son of Chinagi Miyan
Resident of Village- Sirisia, P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sujeet Kumar, Advocate Mr. Kumar Avanish, Advocate
For the Opposite Party/s :		Mr.Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 19-07-2024 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Sugauli P.S. Case No. 594 of 2019, dated 30.12.2019, registered for the offence(s) punishable under Section(s) 395 of the Indian Penal Code.
3. Mr. Sujeet Kumar, learned counsel for the petitioner submits that the petitioner is not named in the FIR, no incriminating material including any part of the looted articles was recovered from his possession, he has been made accused mainly on the basis of confessional statement of co-accused Afjal Ansari @ Afzal Mian recorded by him before the police which is not admissible in the eye of law. It is further submitted



that though against the petitioner there are criminal antecedents of 12 cases but he has been acquitted in one antecedent case and is on bail in the rest cases of antecedents except one case and he is an old person and has been languishing in jail since 10.10.2023 and he was not put on test identification parade accordingly there is no evidence against him to connect to the alleged occurrence of dacoity.

4. Mr. Binod Kumar No.3, learned APP appearing for the State has opposed the bail prayer and placed reliance upon the paragraphs no. 44, 50, 63, 70 and 85 of the case diary but he accepted that except an information provided by a spy and confessional statement of co-accused persons there is no material against this petitioner in the case diary.

5. Having regard to the above submissions and mainly the facts that prosecution has not pointed out any admissible incriminating evidence in the case diary against this petitioner and with regard to involvement of the petitioner in the alleged offence the prosecution is mainly relying upon the information provided by a spy and confessional statement of co-accused persons and petitioner is on bail in most of the cases of his antecedents and some co-accused persons namely, Afzal Ansari @ Afzal Mian and Saimuddin @ Shankar Singh @ Rahul have



been granted bail by a co-ordinate bench as well as this bench vide orders dated 01.02.2022 and 14.09.2022 passed in Cr. Misc. No. 42061 of 2021 and Cr. Misc. No. 22092 of 2022 respectively and also coupled with the completion of investigation against this petitioner, this court is inclined to accept the bail prayer of the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Sugauli P.S. Case No. 594 of 2019 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned with following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- (2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.
- (3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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