

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40939 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- KOTWALI District- Patna

Sayed Ali Raza Hasmi S/o Sayed Ali Ahmad Hasmi Resident of Village
- Khaje Chand Chappra, P.S.- Garaul, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Sr. Advocate
		Mr.Shahrukh Shiddiqui, Advocate
For the Opposite Party/s	:	Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-06-2024 Heard learned senior counsel appearing on behalf

of the petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Kotwali

P.S. Case No. 161 of 2024 registered for the offences under

Section 394 of the Indian Penal Code and 27 of the Arms

Act.

3. The petitioner is not named in the First

Information Report and is in custody since 11.03.2024.

4. Allegation against the petitioner is to commit

robbery along with other co-accused persons, where total

5.5 Kg. of gold were alleged to be looted from possession of

the informant.



5. It is submitted by Mr. Y.C. Verma, learned senior counsel appearing on behalf of the petitioner that name of the petitioner involved in this case during course of investigation on the basis of suspicion as one of the motorcycle, registered in the name of brother of the petitioner, alleged to be used in the present occurrence of robbery. Learned counsel further submitted that on the basis of suspicion petitioner was apprehended and his self-confessional statement was recorded, where maximum allegation appears to be raised against the petitioner is to conspire with the occurrence without having any connecting evidence. It is submitted that petitioner was not put on Test Identification Parade. While concluding argument, Mr. Verma, submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is completed, charge-sheet has already submitted, and as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

7. In view of the aforesaid factual submission as



save and except suspicion *prima-facie* nothing incriminating appears against the petitioner and, moreover, charge-sheet has already submitted, where petitioner in custody since 11.03.2024, accordingly, above-named petitioner is directed to be released on bail in connection with Kotwali P.S. Case No. 161 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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