

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49554 of 2024

Arising Out of PS. Case No.-1043 Year-2021 Thana- SITAMARHI District- Sitamarhi

Hasim Laheri, Son of Late Habib Laheri, Resident of Village- Hussaina, P.S.-
Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sitamarhi P.S. Case No. 1043 of 2021, registered for the alleged offences under Sections 395 and 397 of the Indian Penal Code.

3. As per prosecution case, sixteen *dacoits* entered into the house of the informant and they looted a number of *jewellery* items, ornaments and Rs. 45,000/- from the house of the informant. The name of the petitioner transpired during investigation as one of the accused persons involved in this *dacoity*.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not named in the FIR and nothing



incriminating has been recovered from his conscious possession. No Test Identification Parade has been carried out for identification of the petitioner as *dacoit*. The name of the petitioner transpired in this case on the basis of confessional statement of Wasimi Nadad. Charge-sheet has been submitted in this case and the petitioner is in custody since 15.09.2023. The learned counsel further submits that several co-accused persons have been granted bail by the Coordinate Bench as well as this Court.

5. Learned APP vehemently opposes the prayer for bail submitting that the petitioner is accused in eleven other cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the period of custody of the petitioner as well as submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sitamarhi, in connection with Sitamarhi P.S. Case No. 1043 of 2021, subject to the conditions mentioned



in Section 437(3) of the Code of Criminal Procedure and also
the following conditions :

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below.
- (iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bonds of the petitioner will be liable to be
cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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