

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72583 of 2023

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

Md. Arshad Alam @ Md. Arshad Khan Son Of Izhar Alam @ Majnu Resident
Of Village - Bagdulhan, Ps- Nagar Hajipur, Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhirendra Prasad Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-05-2024 Heard learned counsel appearing on behalf of the

petitioner and Pawan Kumar Chaurasia, learned A.P.P. for the

State.

2. Petitioner seek bail in connection with Hajipur
Nagar P.S. Case No. 470 of 2022 registered for the offences
under Section 396 of the Indian Penal Code.

3. The petitioner is not named in the First
Information Report and is in custody since 15.10.2022.

4. Allegation against the petitioner is to commit
murder of the husband of the informant while committing
dacoity alongwith other co-accused persons and to take away
several ornaments, whether silver or gold, belongs to her shop
namely, M/s Neelam Jewelry.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that recovery of looted articles alleged to be made from the joint house of co-accused Rashid Latif @ Rashid Khan, who is the full brother of petitioner. It is submitted that the compliance of section 100(4) of the Code of Criminal Procedure (in short the "Cr.P.C.") not appears to be followed in the present case. It is also pointed out that the looted articles/ornaments were not put on Test Identification Parade (in short the "T.I.P.") as to connect this petitioner with the present occurrence of murder and dacoity. It is also pointed out that seizure list is also appearing doubtful, being not supported by independent witnesses rather by the police personnels. While traveling over the argument, it was emphasized by learned counsel for the petitioner that petitioner has found involved in fifteen (15) criminal cases, which are almost of same nature, and in maximum cases, his name surfaced out of confessional statement of co-accused persons, where in all those cases, he is on bail. Learned counsel submits that this time, due to suspicion arises out of said criminal antecedents, the accused petitioner implicated falsely with the present case also. While concluding argument, learned counsel submitted that investigation of this case is completed, for



which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

7. Considering the aforesaid factual submission and by taking note of the fact that as the alleged recovery of looted articles appears to be recovered from the joint house, where petitioner is in custody since 15.10.2022, coupled with the fact that investigation of this case is completed and charge-sheet has already been filed, accordingly, above-named petitioner is directed to be released on bail in connection with Hajipur Nagar P.S. Case No. 470 of 2022 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, Vaishali at Hajipur, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

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

