

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.732 of 2015

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Md. Mumtaz @ Mumtaz son of late Noor Mohammad, resident of village Chainpur, P.S. Chainpur O.P., District Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. M.K.Nirala, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 09-01-2015

Heard learned Counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offence under Sections 395 and 397 of the Indian Penal Code.

Considering that the only material against the Petitioner is the confessional statement of the co-accused but neither he has been put on Test Identification Parade nor has there been any recovery from his possession and he has fair antecedents, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 5,000/-(Five thousand) with two sureties of the like amount each or any other surety to be fixed by the court concerned to the satisfaction of learned C.J.M., Siwan in connection with Daraunda (M.H. Nagar) P.S. Case No.245 of 2014, subject to the conditions (i) That one of the bailor shall be the mother of the Petitioner and the other bailor will be a close relative of the petitioner who will give an affidavit giving genealogy as to how

he is related with the petitioner. The bailor will undertake to furnish information to the Court about any change in address of the petitioner. (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is he shall not be released on bail, (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse, (v) That the petitioner will be well represented on each date if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Anjana Prakash, J)

Narendra/-

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