

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30747 of 2015

Arising Out of PS.Case No. -48 Year- 2014 Thana -SAKRI District- MADHUBANI

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MD. SAH NAWAJ ALAM @ SHAH NAWAJ ALAM s/o Late Sarafat
Huaasin, R/v Thara Gopalpur, P.S. Pusha Maini, Distt. Samastipur,
Prasently R/v Chand Saraiya, P.S. Pipra Kothi, Distt. East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. M.Rub(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 02-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Sakari P.S.
Case No. 48 of 2014 registered for the offences punishable under
Section 395 of the Indian Penal Code.

Allegedly on 23.05.2014 at about 11:26 hours, six
unknown miscreants took away the driver of Bolero Pick-up van
bearing registration No. BR-7E-2528 alongwith vehicle loaded
with Britania Biscuit worth Rs. 95,593/- and thereafter left the
driver and went away with pick-up van towards Darbhanga after
snatching the mobile and driving license of the driver.

Submission is of false implication and that on the basis
of photo of the petitioner published in the news paper, alleged to



be identified by the driver of the vehicle. Some of co-accused have been arrested and have confessed their guilt and allegedly from possession of the petitioner driving license of the driver has been shown to be recovered. Neither vehicle nor the looted Biscuit has been recovered from the possession of the petitioner and other co-accused namely, Rajesh Prasad and Abhay Singh have been allowed bail by another co-ordinate Bench of this Court and the petitioner who is suffering in custody since 16.12.2014 also deserves sympathetic consideration. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence to which learned A.P.P. opposes.

In the facts and circumstances stated above, considering the custody of the petitioner and further that other co-accused have already been allowed bail, the petitioner, above named, is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Additional District and Sessions Judge III, Madhubani arising out of Sakari P.S. Case No. 48 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and

every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

sushma/-

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