

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1405 of 2015

Arising Out of PS.Case No. -114 Year- 2003 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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1. Rustam Khan @ Rustam Son of late Ayunul Haque Resident of Village -
Machakna, P.S. - Hussainganj, Distt. - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Adv.

For the Opposite Party/s : Mr. Anuradha Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 21-01-2015 Learned counsel for the petitioner submits that the father of
the petitioner has since died hence he may be permitted to make
appropriate correction in the memo of parties in the bail
application.

He is permitted to do so.

Heard Mr. Yogesh Chandra Verma, learned Senior counsel
for the petitioner and counsel for the State.

The petitioner is in custody in connection with
Muzaffarpur Sadar P.S. Case No. 114 of 2003 corresponding to
Trial No. 717 of 2012 registered for offences punishable under
Sections 364A/120B of the Indian Penal Code.

It is the contention of learned counsel for the petitioner
that the petitioner is not named in the F.I.R. rather his name has

transpired during the course of investigation. Even while submitting as such, Mr. Verma admits to the number of cases in which the petitioner has been made accused and the details of which are mentioned in para 3 of the bail application.

It is submitted that the petitioner was not put on T.I. Parade and except that in paragraph 9 of the supplementary case diary the petitioner is stated to have suggested the victim's father to make payment of the ransom, there is no other material against the petitioner. He submits that the petitioner though was arrested in the present case on 29.10.2004 but he escaped from judicial custody and whereafter he has again been remanded on 13.4.2011 whereafter he has remained in custody.

It is further submitted that most of the named accused have since been granted bail in the present case.

Having heard learned counsel for the petitioner and taking note of the circumstances, let the petitioner namely, Rustam Khan @ Rustam be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 114 of 2003 corresponding to Trial No. 717 of 2012 subject to the following conditions:-

(a) That one of the bailors of the petitioner would be the wife/close relative of the petitioner who shall file an affidavit explaining his/her relationship with the petitioner and who would be under a duty to inform the Court below in case this petitioner after his release in the present case, is found involved in any further case of similar nature and whereupon the court concerned shall be at liberty to cancel the bail bonds of the petitioner and to take him into custody.

(b) The petitioner would ensure his attendance in the Court below on each and every date fixed in the case and failure on the part of the petitioner to ensure his attendance on two consecutive dates fixed without reasonable explanation to the satisfaction of the court below, would entitle the court concerned to cancel the bail bonds of the petitioner and to take him into custody.

(Jyoti Saran, J)

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