

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39256 of 2014

Arising Out of PS.Case No. -12 Year- 2012 Thana -LODIPUR District- BHAGALPUR

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Sunny Mian @ Sunni Mian @ Md. Imran Son of Late Nayyar Ajam,
Resident of Barahpura Police Station- Ishakchak in the District of
Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3. 14.01.2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in Lodipur P.S. Case
No. 12 of 2012 dated 23.02.2012 instituted under Section 394
of the Indian Penal Code.

Learned counsel for the petitioner submits
that he has been implicated falsely in the case and probably
on the basis of mistaken identity. It is submitted that though
in the F.I.R., his name has been taken along with two other
co-accused but he has been described as Sunny Mian without
description of parentage. It is submitted that the petitioner
has no criminal antecedent and had himself surrendered
before the Court on 03.08.2014. It is further submitted that
similarly situated co-accused Sikiya Jha@ Sugandh Jha, has
been granted bail by the Court below itself whereas the prayer

for bail of the petitioner has been rejected. It is submitted that there has been neither any recovery from the petitioner nor he has been put on Test Identification Parade.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur in Lodipur P.S. Case No. 12 of 2012. One of the bailors shall be the mother of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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