

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32141 of 2015

Arising Out of PS.Case No. -212 Year- 2012 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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1. Nishar Mian @ Md. Nishar Ahmad S/o Najuk Ansari Resident of village-
Ram Nagar, P.S.- Tarari, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Subhash Chandra Mishra (App)

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

4 05-11-2015

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Bikramganj
P.S. Case No. 212 of 2012 registered for the offences punishable
under Sections 394, 302/34 of the Indian Penal Code and Section
27 of the Arms Act.

First Information Report has been registered against
unknown and during investigation the name of the petitioner
transpires in the information furnished by spy and thereafter co-
accused Sanjay Singh confessed his guilt stating the name of
petitioner also in committing the crime.

Submission is of false implication and that there is no
tangible material against the petitioner, without any cogent and

reliable evidence chargesheet has been submitted. Similarly situated co-accused Sanjay Singh has been allowed bail by another co-ordinate Bench of this Court vide order dated 03.04.2004 passed in Cr. Misc. No. 40257 of 2013 and as such the petitioner who is suffering in custody since 09.04.2015 deserves sympathetic consideration to which learned APP is not in a position to distinguish the case of the petitioner from that of co-accused.

In the facts and circumstances stated above, the petitioner above named is 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 Chief Judicial Magistrate, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 212 of 2012, subject to the conditions that one of the bailors must be a 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)

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