

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49481 of 2015

Arising Out of PS.Case No. -358 Year- 2015 Thana -MADHEPURA District- MADHEPURA

1. Md. Subhan Son of Md. Sadrul resident of Village -Balwa, Hat ,P.S. Simri Bakhtiyarpur, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. S.Ehteshamuddin(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-12-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Madhepura P.S. Case No. 358 of 2015 registered for the offences punishable under Sections 279, 337, 338, 353, 414/34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

Allegedly, the petitioner and co-accused Jaikant Yadav were caught in injured condition as they fell from motorcycle when they were fleeing away and after search from possession of the petitioner one loaded country made Katta with live cartridges and mobile having two SIMs of Air Tel and Vodafone were recovered and further black colour Pulsar motorcycle was there for which no paper was produced.



Submission is of false implication and that nothing has been recovered from possession of the petitioner, he has been made victim of circumstances, the signature of the petitioner has been obtained forcibly which has been converted into alleged confessional statement. The petitioner has got no criminal antecedent and is suffering in custody since 27.06.2015, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence as such the petitioner deserves sympathetic consideration and co-accused Jai Kant Dubey has been allowed bail by the court below itself.

Learned APP fairly submits that now the petitioner by remaining in custody for about six months has been sufficiently penalized.

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 Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 358 of 2015, 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.

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(Jitendra Mohan Sharma, J)