

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12939 of 2016

Arising Out of PS.Case No. -377 Year- 2015 Thana -MADHEPURA District- MADHEPURA

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Md. Asgar Ali aged about 53 years Son of Md. Chhedi Alam Resident of
village - Madhaili Diyara, P.S. Alam Nagar, District - Madhepura

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Vinay Kumar, Advocate.

For the Opposite Party : Mr. Kr.Virendra Narayan(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 06-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Madhepura P.S. Case No. 377 of 2015 registered for the offence
punishable under Section 386 of the Indian Penal Code.

Allegedly, through Mobile No. 7260923963,
unknown person directed the informant to deposit Rs. 5 lac in
Account No. 3273827528 standing in the Central Bank of India
within five days.

Submission is of false implication and that without
any legal and tangible material the petitioner has been
apprehended in this case, the petitioner is not named in the First
Information Report, he is not the owner of the mobile or of the



account number in question, the petitioner is a social worker, co-accused Niranjana Kumar Bhagat has taken the name of the petitioner in his confessional statement, which has got no evidentiary value in the eye of law, from possession of the petitioner one mobile has been recovered which is of the petitioner and that has not been used for demanding ransom, the petitioner has been implicated in several cases due to high handedness of the police and as such the petitioner deserves sympathetic consideration as he is in custody since 07.10.2015.

Learned A.P.P. opposes the prayer of bail by submitting that co-accused Niranjana Kumar Bhagat confessed his guilt has stated the name of the petitioner and on the basis of his confessional statement, huge quantity of SIM Cards of Airtel, Idea company and several other papers have been recovered from the ditch by the side of the road near Mathal Railway Dhala.

In the facts and circumstances stated above, considering that the charge sheet has already been submitted and besides confessional statement of co-accused, there is no other tangible material against the petitioner and as such 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 like amount each to the satisfaction of learned Chief Judicial

Magistrate, Madhepura, in connection with Madhepura P.S. Case No.377 of 2015, subject to 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.)

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