

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12635 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -DIGHALBANK District- KISANGANJ

1. Md. Mofiz Son of late Fahimuddin Resident of Village- Bacho Rasia ,
Police Station , Islampur, District Uttar Dinajpur, West Bengal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.13155 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -DIGHALBANK District- KISANGANJ

1. Nasik Nadeer @ Md. Nasik Nadeer, S/o Noor Alam @ Md. Noor Alam
R/o Vill- Birwa Patkoi, P.S.- Kochadhaman, Distt- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.12635 of 2016)

For the Petitioner/s : Mr. Anamul Haque

For the Opposite Party/s : Mr. Nitya Nand Tiwari(App)

(In Cr.Misc. No.13155 of 2016)

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Anuradha Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 05-05-2016 Both the criminal miscellaneous applications are of

the same occurrence and, as such, have been heard together and

are being disposed of by passing this common order.

Heard the learned counsel for the petitioners and the

learned A.P.P. representing the State.

The petitioners seek bail in connection with Dighalbank P.S. Case No. 01 of 2016 registered for the offences punishable under Sections 25(1-b)a, 26, 27 of the Arms Act and Section 3/4 Explosive Act.

Allegedly, attempt was made to commit dacoity in the house of the informant but due to arrival of mobile patrolling party, the miscreants fled away after opening fire and exploded bomb. In CCTV Camera, the photo of the miscreants have been captured, during investigation, the petitioners were apprehended and two witnesses have identified them after seeing the CCTV Footage.

Submission is of false implication and that the petitioners are in custody since 23.01.2016 and 07.02.2016 but they have not been put on T.I.P., nothing has been recovered from their possession, in the First Information Report itself, it is alleged that CCTV Camera was damaged by the miscreants and, as such, the identification of the petitioners by those two witnesses appears doubtful, both the witnesses have stated that they have seen them in jail, only on the basis of criminal antecedent, they are suffering in custody, the petitioners have been made victim of the police atrocity and, as such, they deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that charge-sheet has already been submitted, without conducting T.I.P., there is no chance of tampering with the prosecution evidence and, as such, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Kishanganj in connection with Dighalbank P.S. Case No. 01 of 2016, 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

ajaypd./-

(Jitendra Mohan Sharma, J)

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