

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17205 of 2016

Arising Out of PS.Case No. -91 Year- 2015 Thana -HATHUA District- GOPALGANJ

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Parwej Usman @ Md. Parwej @ Parwej Usmani @ Md. Parwej Alam Son
of Md. Mustaf, Resident of Village Hathua Dakshin tola, P.s Hathua
District Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Arun Kr.Singh 5(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 02-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in connection
with Hathua P.S. Case No. 91 of 2015 registered for offence under
section 379 of the Indian Penal Code.

The informant had kept his motor cycle standing. When
he has returned after watching cricket match, he found his motor cycle
was not available.

During investigation, the name of the petitioner has
surfaced on the confessional statement of co-accused.

The counsel for the petitioner submits that nothing
incriminating material has been found from the possession of the
petitioner, save and except, confessional statement of the co-accused
person.

The petitioner has one more criminal history.

Looking to the facts and circumstances of the case, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Abhishek Kunal, Judicial Magistrate 1st class, Gopalganj in connection with Hathua P.S. Case No. 91 of 2015, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the petitioner would report to the nearest police station by 7th of every month, at least for six months. In case of failure on two consecutive dates without any rhyme or reason, the bail granted will be treated to have been cancelled.

(Shivaji Pandey, J)

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