

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4397 of 2016

Arising Out of PS.Case No. -317 Year- 2013 Thana -SHASTRINAGAR District- PATNA

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1. Shahwaz Khan @ Shahnawaz
 2. Md. Afsar @ Aksar Khan @ Aksar Both son of Sayed Resident of Mohalla - Samanpura, Raja Bazar, Police Station - Shastrinagar, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shamimuddin

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 06-04-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offence punishable under section 395 of the I.P.C

Allegedly, seven unknown miscreants boarded in the tempo snatched phone, cash of Rs. 2,000/-, watch and ATM Card from the informant and the informant has given registration number of the said Auto. During investigation the names of the petitioners transpire in the statement of police spy and further in the confessional statement of the co-accused.

Submission is of false implication and that the petitioners are in custody since 27.02.2015, nothing has been

recovered from their possession, the confessional statement of co-accused Md. Saddam made before the police has got no evidentiary value in the eye of law and without any legal and tangible material the petitioners are suffering in custody and as such they deserve sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioners have got criminal antecedents.

In the facts and circumstances as stated above, considering detention of the petitioners, now they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Indrani Kisku, J.M. 1st Class, Patna in Shashtri Nagar P.S. Case No. 317 of 2013, 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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