

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16036 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -DIGHA District- PATNA

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Md. Islam, Son of Md. Jamal @ Chhote, R/o Village- Azad Road,
Chandwara, Darzitola, P.S. Town (Muzaffarpur), District Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Dr. Ravindra Kumar (App)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 24-05-2016 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 379 of the Indian Penal Code.

The allegation, as set out in the FIR, is of theft of Sumo vehicle by unknown persons. During course of investigation, one Md. Aslam @ Md. Juhi was arrested and allegedly in his self incriminating confessional statement, he has stated that theft has been committed along with certain persons including the petitioner as would appear from the order of the Sessions Judge. It is also stated in his confessional statement that the vehicle was converted into pieces and all parts were already sold.

Learned counsel for the petitioner submits that he has



been made accused simply on the basis of self incriminating confessional statement of co-accused Md. Aslam @ Md. Juhi. There is no recovery from the possession of the petitioner. It is urged that he has been made accused in two other cases in the year 2015 itself on the basis of confessional statement of the same Md. Aslam in which he has already been granted regular bail.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Md. Islam be released on bail in the event of his arrest/surrender before the court below within a period of six weeks from today in connection with Digha P.S. Case No.109/2015, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Md. Inam, Judicial Magistrate-1st class, Patna subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure with a further condition that one of the bailors must be a close relative or family member of the petitioner who shall file affidavit before the concerned court giving complete genealogy to show his relationship with him.

If the petitioner, after his release in this case, is again found involved in similar nature of cases then the concerned court would be at liberty to take steps for cancellation of his bail bonds.

That apart, in view of the antecedents of the petitioner, he would be required to appear before the Senior Superintendent of Police, Patna within fifteen days of his release with a copy of this order and every month thereafter for the next six months. The conduct of the petitioner will be kept under watch in the aforesaid period by the Senior Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned which should be granted by the Senior Superintendent of Police concerned upon his appearance.

(Dr. Ravi Ranjan, J.)

V.K. Pandey/-

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