

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38006 of 2016

Arising Out of PS.Case No. -372 Year- 2012 Thana -DIHRINAGAR District- SASARAM
(ROHTAS)

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1. Khurshid Khan @ Sarhwa Son of Akbar Khan @ Malu Mistri, resident of
Mohalla: Jakki Bigha, Mani Nagar, P.S: Dehri, District : Rohtas.

.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 23-09-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Dehri (T) P.S.
Case No. 372 of 2012 registered for the offences punishable under
Sections 380, 411, 413, 454 of the Indian Penal Code.

Allegedly, theft was committed in the house of the
informant wherein Nokia mobile, Modem having SIM of Airtel,
one C.P.U. were taken away and when call was made on stolen
SIM then one Kulweer picked up the call and he stated that he is
the driver of A.S.I., G.R.P. Dehri and he stated that Shashi Hasmi
has given him that SIM, then, after inquiry it was learnt that the
SIM was thrown by Irfan Ahmad, then Irfan Ahmad was arrested
and he confessing his guilt has stated the name of the petitioner
also.

Submission is of false implication and that besides the confessional statement of co-accused there is nothing against the petitioner, nothing has been recovered from conscious possession of the petitioner and without any fault he is suffering in custody since 09.12.2015, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail by submitting that name of the petitioner has been taken by co-accused.

In the facts and circumstances stated above, 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 the like amount each to the satisfaction of the learned 4th Additional Sessions Judge, Rohtas at Sasaram in S. Tr. No. 85 of 2016 arising out of Dehri (T) P.S. Case No. 372 of 2012, 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 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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