

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37253 of 2016

Arising Out of PS.Case No. -178 Year- 2014 Thana -KISHANGANJ District- KISANGANJ

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Mohib Akhtar, Son of Jamal @ Farid, resident of Village- Ghanara, P.S.
Balrampur, District- Katihar, at present resident of Village- Sihraul, P.S.
Baliala Belon, District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate
Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Sri Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 31-08-2016 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner has renewed his prayer for bail in connection with Kishanganj P. S. Case No. 178 of 2014 registered under Sections 399 and 402 of the Indian Penal Code and Section 25(1-B)a, 26 and 35 of the Arms Act and 3 and 4 of the Explosive Substances Act.

Earlier, the prayer for bail of the petitioner was rejected by this Court vide order dated 15.10.2014 passed in Cr. Misc. No. 38807 of 2014 with a direction to the court below to commit the case for trial.

It is submitted by the learned counsel for the



petitioner that the petitioner is in custody since 06.04.2014 and, till date, after framing of charges no witness has been examined on behalf of the prosecution. It is also submitted that another co-accused Mahbube Alam @ Mahbub Alam having more or less identical allegation to that of the petitioner has already been granted bail by a Bench of this Court vide order dated 20.04.2016 passed in Cr. Misc. No. 4273 of 2016.

Regard being had to the period undergone in custody and failure on the part of the prosecution to examine the witnesses, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. - IInd, Kishanganj in Kishanganj P. S. Case No. 178 of 2014 vide S.T. No. 177 of 2015, subject to the following conditions :

1. That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner and another father of the petitioner. The bailor will undertake to furnish information to the court about any change in the address of the petitioner,

2. That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated

in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse,

3. That the petitioner shall physically present on each date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the 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.

(Ashwani Kumar Singh, J.)

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