

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51313 of 2016

Arising Out of PS.Case No. -68 Year- 2016 Thana -KASIMBAZAR District- MUNGER

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1. Md. Wali @ Md. Bali Son of Md. Jahir Resident of Mohalla- Bari Bazar,
P.S. Kotwali, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Pancha Nand Pandit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-12-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 17.08.2016 in a
case registered for offences punishable under Section 379 of the
Indian Penal Code.

The prosecution case as lodged by the informant is that
while he went to the clinic of a doctor and left the key of the bike,
after returning, he found his motorcycle missing.

Learned counsel for the petitioner submits that he is
innocent and he falsely been implicated in the aforesaid case. He
submits that he is not named in the F.I.R. and only on the
confessional statement of Md. Safal @ Saffiullah, who was
arrested that he was confessed the name of the petitioner, which
has no evidentiary value in the eye of law. It has further been
submitted that no T.I. Parade has been done and nothing has been



recovered from the possession of the petitioner.

Learned A.P.P. for the state opposes the prayer for bail.

Considering the facts and circumstances of the case and materials available on the record, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction learned Chief Judicial Magistrate, Munger in connection with G.R. No. 893 of 2016 arising out of Kasim Bazar P. S. Case No. 68/2016.

This is however subject to the condition that the petitioner will file an undertaking duly supported by the personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

Sudha/-

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(Nilu Agrawal, J)

