

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54659 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -KHAGARIA GRP CASE District- KHAGARIA

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Md. Munna Mian @ Md. Akhtar, Son of Md. Suleman, resident of village -
Badraha Ward No. 26, P.S. + District - Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
03.09.2016 in connection with Saharsa Rail P.S. Case No. 13 of
2016 registered for the offence punishable under Sections 392 and
411 of the Indian Penal Code and Sections 25(1-b)a and 27 of the
Arms Act.

The prosecution case is that one co-accused, namely,
Rajauddin @ Raja Miya was caught by the police personnel and
fire-arms, which was not in working condition and one mobile set
were recovered from his possession and he named three persons,
including the petitioner, who were involved in the commission of
the offence of loot. Three persons managed to flee away from the
place of occurrence.

It has been submitted by the learned counsel for the



petitioner that he is innocent, nothing has been recovered from his possession, no Test Identification Parade has been done so far and just because the petitioner is accused in another case of 2015, he has been made accused in the aforesaid case. It is further submitted that two of the co-accused named by co-accused Rajauddin @ Raja Miya have since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 46969 of 2016 on 06.12.2016.

However, learned A.P.P. for the State opposes the prayer for bail.

Be that as it may, since on similar allegation, two co-accused have been granted the privilege of bail, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Rail Judicial Magistrate, Khagaria in connection with Saharsa Rail P.S. Case No. 13 of 2016, subject to the condition that one of the bailors must be a close relative and other bailor must have sufficient immovable properties within the jurisdiction of concerned police station/ Court.

(Nilu Agrawal, J.)

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