

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51632 of 2016

Arising Out of PS.Case No. -32 Year- 2016 Thana -JOGBANI District- ARRARIA

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Md. Kazim S/o Bali Muhammad resident of Village- Amauna Ward No. 01,
P.S. Jogbani, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-12-2016 Learned counsel for the petitioner is permitted to
make necessary correction in paragraph 1 of this application.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
12.07.2016 in connection with Jogbani P.S. Case No. 32 of 2016
registered for the offence punishable under Section 379 of the
Indian Penal Code. Subsequently, Section 411 of the Indian Penal
Code was also added.

The prosecution case is that in the night of
17.03.2016, the informant having parked his motorcycle went to
attend a marriage ceremony and when he returned back, he saw
that accused persons were going on his motorcycle. Thereafter,



informant chased the accused persons, but they managed to escape. Informant approached the father of accused Md. Kazim, who assured that his motorcycle would be returned back.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He further submits that the First Information Report has been lodged after inordinate delay, which itself creates doubt on the prosecution case. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted, 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 Additional Chief Judicial Magistrate 1st, Araria in connection with Jogbani P.S. Case No. 32 of 2016, subject to the condition that petitioner will file a personal affidavit stating therein that he will appear on each and every date before the learned Court below and his failure to appear before the learned



Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds without being prejudiced with this order.

This direction for bail is further subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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