

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3542 of 2016

Arising Out of PS.Case No. -188 Year- 2015 Thana -MUNGER MUFFASIL District- MUNGER

1. MD. FAIJAJ @ MD. FHAYAZ @ GIRDVA @ GIDRA @ VIDARWA
@ GIDARWA Son of Md. Shamsher Resident of Village Choramba ,Police
Station Kotwali (Basudeopur), District Munger..... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. T.P.Mandal(App)

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

ORAL ORDER

3 17-03-2016

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

The petitioner seeks bail in connection with Muffasil
P.S. Case No. 188 of 2015 registered for the offence punishable
under Section 394 of the Indian Penal Code.

The petitioner is named in the first information report
along with other co-accused with allegation that after assaulting
the informant, they took away motorcycle, helmet, mobile having
two sims and cash of Rs. 1,000/-.

Submission is of false implication and that due to
enmity the petitioner has been named, the petitioner is the resident
of another village, he has been made victim of circumstances, the
prosecution story appears not probable and reliable, the petitioner is
a poor labourer and nothing incriminating or looted article has been

recovered from his possession and he is suffering in custody since 22.10.2015 to which learned APP opposes by submitting that looted mobile was being used by the petitioner before his arrest which is evident from paragraph 20 of supplementary case diary and further the petitioner has criminal antecedent as he is involved in four cases of similar nature.

In the facts and circumstances stated above, the petitioner above named shall be released on bail **after completing nine months in custody from the date of his remand** 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 Chief Judicial Magistrate, Munger in connection with Muffasil P.S. Case No. 188 of 2015, 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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