

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23970 of 2016

Arising Out of PS.Case No. -689 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Md. Maqusud S/o- Md. Nakir, R/o- Baigna, Satsang Mandir, P.S.-
Katihar Town, Distt- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Uma Nath Mishra, (App)

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD
VERMA**
ORAL ORDER

2 31-05-2016

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Section 302/34 of the Indian Penal Code as also under Section 27 of the Arms Act.

Taking into consideration the fact that the petitioner is not named in the first information report vide Annexure-1 as an accused, though, other three persons have been named therein as accused and also taking into consideration the fact that the only material against the petitioner is that he has been named by a co-accused before the police and further taking into consideration the fact that the petitioner is in judicial custody since 20.12.2015, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of bail.

Let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection

with Katihar Town P.S. Case No. 689 of 2015 subject to the conditions that :

(A) one of the bailors must be a government servant.

(B) the other bailor shall be either family member or a close relation of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(C) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail bonds of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and

(D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Amin/-

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