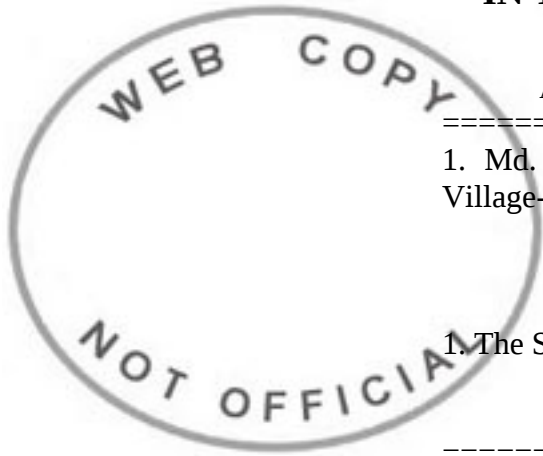




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51251 of 2016

Arising Out of PS.Case No. -92 Year- 2016 Thana -ARARIA District- ARRARIA

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1. Md. Sawood Alam @ Saud Alam Son of Baharuddin Resident of
Village-Fatkan Tola Beluwa, Police Station & District-Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-11-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in judicial custody since 29.07.2016 in connection with Araria (Bairgachhi) P.S.Case No.92 of 2016 for the offence alleged under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. It is only on the confessional statements of co-accused, namely, Firdos and Md.Tarique that they have confessed their guilt and disclosed the name of this petitioner. He further submits that the stolen motor cycle has been recovered from the house of one another co-accused, namely,

Jakir @ Md. Shakir and nothing has been recovered from his possession. He further submits that just because he has criminal antecedent, he has been remanded in the aforesaid case. He further submits that the charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It has further been submitted that in similar allegation co-accused have been granted privilege of bail by co-ordinate benches of this Court in Cr. Misc. No. 185 88 of 2016, dated 25.05.2016 and Cr. Misc. No. 20815 of 2016, dated 20.05.2016

Learned A.P.P. opposes the prayer for bail stating that as many as 11 (eleven) cases are pending against this petitioner of similar nature.

Be that as it may, since the petitioner has been named by the co-accused in their confessional statements and nothing has been recovered from his conscious possession, in the interest of justice, let above named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in Araria (Bairgachhi) P.S. Case No. 92 of 2016.

This direction of bail is subject to the condition that if in future the petitioner indulges in offence of similar nature, the learned court below will be at liberty to cancel his bail bond without being prejudiced by this order

With these observations and directions, the application stands allowed.

(Nilu Agrawal, J)

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