

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51416 of 2016

Arising Out of PS.Case No. -624 Year- 2015 Thana -SHASTRINAGAR District- PATNA

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1. Zaid Anwar, son of Kaissh Anwar, Resident of- Gulistan, Naya Tola,
Police Station- Phulwari, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay,
Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
05.02.2016 in connection with Shastrinagar P. S. Case No. 624 of
2015 registered for the offence punishable under Section 392 of
the Indian Penal Code.

The prosecution case is that on 06.12.2015 at about
6-7 P.M. the informant was sitting in his Scorpio car and was
seeing picture on his mobile phone, in the meantime three persons
entered into his car. Out of three persons, one person caught hold
the face of the informant and other persons put pistol on the back
of the informant and the third person drove the car and threw the
informant out of the car near Bikram P.S. and fled away with the
car and mobile phone of the informant.

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 submits that no T.I.P. has been done so far neither he has been named in the F.I.R. nor any incriminating article has been recovered from his possession. He further submits that it is only on the basis of the confessional statement of co-accused Shamshad @ Jumrati that his name surfaced and confessional statement of co-accused has no evidentiary value in the eye of law. 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 has criminal history and his name surfaced during course of investigation, hence, opposes the prayer for bail.

Be that as it may, since charge sheet has already been submitted and the materials reveal that the release of the petitioner would not adversely effect his trial, 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 Judicial Magistrate, 1st class, Patna in connection with Shastrinagar P.S. Case No. 624 of 2015.

This direction for bail is 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 and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J)

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