

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53407 of 2016

Arising Out of PS.Case No. -683 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Md. Junaid son of Md. Majnu, Resident of Fakir Takiya, Jhoparpatti,
Bhikanpur, Gumti No. 4, Police Station- Ishakchak, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 21-12-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Kotwali
(Barari) P.S. Case No. 683 of 2015 instituted for the offences
punishable under Sections 399, 402 of the Indian Penal Code and
under Section 25(1-b)a, 26, 35 of Arms Act.

The informant happens to be A.S.I., who in course of
patrolling duty apprehended two accused persons namely, Md.
Ghulam @ Babua and Md. Daudh in suspicious condition. The
other co-accused persons managed to escape. The said
apprehended accused persons confessed their guilt and disclosed
the name of the present petitioner and others.

Learned counsel for the petitioner submitted that the
persons who were apprehended at the spot and disclosed the name



of the petitioner have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 12.01.2016 passed in Cr. Misc. No. 1108 of 2016 and 24.05.2016 passed in Cr. Misc. No. 21924 of 2016. The other co-accused person has also been enlarged on bail by a co-ordinate Bench of this Court vide order dated 08.02.2016 passed in Cr. Misc. No. 3686 of 2016. The case of the petitioner is on better footing as he was neither apprehended nor his name appeared in the confessional statement of other co-accused. The petitioner is in jail custody since 14.08.2016.

The learned APP for the State has opposed the prayer for bail to the petitioner.

Considering the facts and circumstances of the case, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 683 of 2015 subject to the condition that:

(i) The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Sanjay Kumar, J)

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