

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32502 of 2016

Arising Out of PS.Case No. -954 Year- 2015 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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1. Md. Shalim @ Md. Salim, Son of Md. Akhtar, R/O- Mohalla- Gudari,
Maharani Pokhar, P/s- Town, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.41463 of 2016

Arising Out of PS.Case No. -954 Year- 2015 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Md. Nizam

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.32502 of 2016)

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Nand Kishore Pd, A.P.P.

(In Cr.Misc. No.41463 of 2016)

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 21-12-2016 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Petitioners are languishing in judicial custody since
29.01.2016 in connection with Town P.S.Case No. 954 of 2015
registered for the offence punishable under Sections 392, 302 of
the Indian Penal Code and 27 of the Arms Act.



The prosecution case as lodged by the informant is that after closing grocery shop he and his elder brother Ajay Kumar (deceased) were returning home with the scooty, suddenly two unknown miscreants on an Apache motorcycle stopped and fired the bullets into chest of his brother, which hit his brother, who succumbed to the injuries and taken away the scooty in which approximately Rs. 2, 50,000/- cash and keys of the shop and many other papers were kept in the dickey.

Learned counsel for the petitioners submits that they are innocent and have not named in the F.I.R. and the name of the petitioners surfaced only on the basis of confessional statement of the petitioner Md. Shalim in Town P.S. Case No. 979 of 2015 and has been remanded in the present case. No T. I. P. Parade has been done so far and 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 petitioners have criminal history and indulged in an offence of similar nature, hence, opposes the prayer for bail.

Be that as it may, since charge sheet has been submitted and from the materials available, it does not reveal that the petitioners release on bail would adversely effect the trial, let



the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Town P.S.Case No. 954 of 2015, with a condition that one of the bailors must be a close relative of the petitioners and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/ Court and the petitioners are directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of their bail bonds. If the petitioners are found to have indulged in an offence of similar nature in future, the learned Court below will be at liberty to cancel the bail bonds of the petitioners.

(Nilu Agrawal, J)

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