

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58160 of 2015

Arising Out of PS.Case No. -32 Year- 1996 Thana -MINAPUR District- MUZAFFARPUR

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1. ISRAIL MIAN S/o late Akbar Mian Resident of village- Sidhana
Madhopur P.S.- Siwaipatti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 29-01-2016

Heard learned counsel for the parties.

The petitioner is in custody in connection with Minapur P.S.
Case No. 32 of 1996 (S.Tr.No.564 of 2015) for the offences
punishable under Sections 395 and 397 of the Indian Penal Code
and subsequently Section 412 was added to the set of allegations.

Learned counsel for the petitioner with reference to the
F.I.R. submits that the F.I.R. is against 32-35 unknown persons
who have committed dacoity in the house of the informant. It is
the argument of learned counsel for the petitioner that the name of
the petitioner has transpired on the basis of the statement recorded
in paragraph 75 of the case diary in which one Ashok Sharma
claims to have seen this petitioner in suspicious circumstances at
the place of occurrence just before the dacoity took place, armed
with counter made pistol. It is in consideration of the statement
made by the witness and the antecedent of the petitioner as well

treating this petitioner of having misused the privilege of bail as well as on ground that the petitioner has not registered his appearance in the case that the bail has been rejected. He submits that whereas the petitioner was never remanded in the present case and thus there is no case of disappearance and even the statement of witness which is recorded after one year only casts suspicion on the petitioner.

Having heard learned counsel for the parties and considering the submissions of learned counsel, let the petitioner namely, Israil Mian be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 7th Additional District and Sessions Judge, Muzaffarpur in connection with Minapur P.S. Case No. 32 of 1996 (S.Tr.No.564 of 2015) and since the matter has been put to trial hence the petitioner would register his appearance on each and every date fixed in the case and failure on the part of the petitioner to ensure his representation on two consecutive dates fixed without reasonable explanation to the satisfaction of the Court below, would entitle the Court concerned to cancel the bail bond of the petitioner and to take him into custody.

(Jyoti Saran, J)

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