

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21924 of 2016

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

1. Md. Gulam @ Babuwa @ Babuwa Mian Son of Late Md. Majid @ Md. Manjhi, resident of Lal Bagh Jhoparpatti, P.S.- Tilkamanjhi, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. U.S.Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

2 24-05-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 399 and 402 of the I.P.C and sections 25 (1-b) a, 26 and 35 of the Arms Act.

Allegedly, during raid the petitioner and other co-accused were apprehended and from possession of the petitioner one loaded country made pistol was recovered and they stated the name of other co-accused also who succeeded in fleeing away. They further disclosed that they had assembled to commit loot.

Submission is of false implication and that nothing has been recovered from conscious possession of the petitioner, he

has been made victim of the circumstances, the petitioner by remaining in custody now has been sufficiently penalized, co-accused Md. Daud and Md. Izhar have already been allowed bail by another coordinate Benches of this Court and the petitioner is suffering in custody since 23.10.2015.

The learned A.P.P. fairly submits that now the petitioner has remained in custody for more than six months.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Bhagalpur in Kotwali (Barari) P.S. Case No. 683 of 2015/ G.R. No. 3874 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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