

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50976 of 2016

Arising Out of PS.Case No. -153 Year- 2015 Thana -ARARIA District- ARARIA

1. Md. Sawood Alam @ Saud Alam Son of Baharuddin Resident of Village- Fatkan tola Belwa, Police Station & District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 04.09.2016 in connection with Araria P.S. Case No. 153 of 2015 registered for the offence punishable under Section 379 of the Indian Penal Code.

The prosecution case as lodged by the informant is that he had parked his Delux Hero Honda motorcycle on the verandah in his house and when arose in the early morning he found his motorcycle is missing.

It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the F.I.R. and has been implicated only on the basis of confessional statement in another case bearing Araria (Bairgachhi) P.S.Case No. 234 of 2015. He submits that charge sheet has already been submitted against the petitioner and there is no chance of tampering with the



prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is a habitual offender of similar kind of cases and as many as sixteen cases are pending against him for similar offence, hence, opposes the prayer for bail.

Considering the facts and circumstances and submission of the parties and that charge sheet has already been submitted, 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 Chief Judicial Magistrate, Araria in connection with Araria P.S.Case No. 153 of 2015 with a condition that one of the bailors must be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station and the petitioner is 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 be liable for cancellation of his bail bonds. The further condition is that if the petitioner indulges in similar kind of offence, learned Court below will be at liberty to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

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