

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54346 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -MAIRWA District- SIWAN

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Abdul Malik Momin @ Abdul Malik, son of Rabibul Momin, resident of village- Boronagar, P.S. Kaliachak, District Malda (West Bangal), at present residing of Mohalla- Pachhmi Tola, Maqdoom Saria, P.S. Siwan town district- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar, Advocate

For the Opposite Party : Mr. Sanjay Kumar Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-12-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Mairwa P.S Case No. 18 of 2016 registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

Allegedly, theft was committed in the house of the informant by unknown miscreants and during investigation the name of the petitioner transpires in the confessional statement of Israphin, leading to recovery of mobile phone from a house which was under construction. The petitioner has been remanded in this case from Siwan P.S. Case No. 202 of 2016 on 10.06.2016 and since then he is in custody, nothing has been recovered from his conscious possession and the alleged confessional statement made



before the police has got no evidentiary value in the eye of law.

In the facts and circumstances stated above, considering the custody of the petitioner now he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Siwan, in connection with Mairwa P.S. Case No. 18 of 2016, 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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