

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15653 of 2017

Arising Out of PS.Case No. -59 Year- 2016 Thana -PIYAR District- MUZAFFARPUR

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Md. Mokim S/o Md. Mustafa, Resident of Village- Balthi Rasulpur, P.S.-
Bochahan, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 02-05-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with S. Tr. No.
95 of 2017 arising out of Piar P.S. Case No. 59 of 2016 registered
for the offences punishable under Sections 414, 395 and 412 of the
Indian Penal Code.

Allegedly, a truck loaded with iron rod was looted
away by 8-10 unknown persons and thereafter with the help of the
police and on identification of the driver of the said truck, the said
truck and one mobile were recovered by the police, but the
accused persons fled away. During the course of investigation,
witnesses Munna Choudhary and Binod Choudhary have stated
the name of the petitioner that at the time of fleeing away, they



were taking names of Md. Ismail and Md. Mokim.

Submission is of false implication and that nothing has been recovered from possession of the petitioner. The statement of two witnesses naming the petitioner is not reliable. They have not identified the petitioner but only on the basis of disclosing the name by the accused persons themselves, they have stated the name of the petitioner. The petitioner, without any fault, is suffering in custody since 01.12.2016. There is no legal evidence or material against the petitioner and, as such, he deserves bail.

The learned A.P.P. opposes the prayer of bail by submitting that two witnesses have named the petitioner.

In the facts and circumstances stated above, considering the custody of the petitioner, and further nothing has been recovered from possession of the petitioner, and as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge, Muzaffarpur in connection with S. Tr. No. 95 of 2017 arising out of Piar P.S. Case No. 59 of 2016 subject to the conditions that one of the bailors must be 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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