

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16623 of 2017

Arising Out of PS.Case No. -28 Year- 2015 Thana -KHAGARIA RAIL P.S. District- KHAGARIA

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Md. Shahid S/o Md. Kabir, resident of village - Mubarakpur Fulkari, P.S.
Birpur, District - Begusarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 06-04-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 05.08.2016 in connection with Sessions Trial No. 318 of 2016 arising out of Rail Khagaria P.S. Case No. 28 of 2015 for the offences alleged under Sections 328, 307 and 379 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion and the petitioner is not named in the F.I.R. No test identification parade has been conducted to identify the petitioner. No recovery of any incriminating articles or stolen goods has been made from his possession. Cognizance has been taken only under Section 328/379 of the Indian Penal Code and not under Section 307 of the Indian Penal Code.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case as well as period of custody since 05.08.2016 already suffered, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned 4th Additional Sessions Judge, Khagaria, in connection with Sessions Trial No. 318 of 2016 arising out of Rail Khagaria P.S. Case No. 28 of 2015, on the following conditions:-



- (i) That one of the bailors shall be a close relative of the petitioner.
- (ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.
- (iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Md. Ibrarul/BT

(Vikash Jain, J)

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