

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9144 of 2017

Arising Out of PS. Case No. -390 Year- 2015 Thana -BIRAUL District- DARBHANGA

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Md. Saleem @ Dholan, son of Late Md. Haneef, Resident of Village Rampur Rauta, Tola Makhnahi, P.S. Kusheshwar Asthan, District-Darbhangha.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mohammad Sufyan, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner, who is in custody since 12.04.2016, has renewed his prayer for bail in connection with Biraul P.S. Case No. 390 of 2015; Tr. No. 2144 of 2016 having earlier been rejected by order dated 19.05.2016 in Criminal Miscellaneous No. 24694 of 2016.

3. It is submitted that the petitioner has been falsely implicated and in any event, the petitioner has already suffered almost one year in custody. It is further submitted that other accused persons, namely, Md. Naim, Md. Allauddin and Md. Quam have since been granted anticipatory bail by this Court on 06.09.2016 in Cr. Misc. No. 34537 of 2016. The petitioner claims clean antecedents.

4. Pursuant to the order of this Court dated 23.02.2017, a report dated 6th March, 2017 has been received from the court of learned Additional Chief Judicial Magistrate, Biraul, Darbhanga.

5. Having regard to the entirety of the facts and



circumstances of the case as well as period of custody of the petitioner above named, let him be released on bail on furnishing on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Biraul, Darbhanga in connection with Biraul P.S. Case No. 390 of 2015; Tr. No. 2144 of 2016 with 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.

(Vikash Jain, J)

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