

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9126 of 2017

Arising Out of PS.Case No. -89 Year- 1995 Thana -ANDAR District- SIWAN

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1. Mahboob Alam Son of Taukir Alam Resident of Village: Bandhu Hata,
P.S. Zeeradei, District- Siwan. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Sri Pranav Kumar

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

ORAL ORDER

4 20-04-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Andar P.S.
Case No. 89 of 1995 registered for the offences punishable under
Sections 394 and 302/34 of the Indian Penal Code.

Allegedly, two miscreants armed with country made
pistol got stopped the vehicle of the informant. The miscreants
opened fire on the chest of the brother of the informant by which
he fell down and died instantly and then both the co-accused fled
away after snatching the motorcycle The informant claimed to
identify the miscreants after seeing. During investigation the name
of the petitioner transpired vide para-77 of the case diary.

Submission is of false implication and that there is no
material against the petitioner. The petitioner has not been put on
TIP. He is suffering in custody since 30.09.2016 after his



surrender. Investigation against the petitioner is pending and supplementary chargesheet has been submitted against the petitioner and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that the petitioner has not been put on TIP and also there is no legal and tangible material against the petitioner and, as such, the petitioner, above named, 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 Chief Judicial Magistrate, Siwan in connection with Andar P.S. Case No. 89 of 1995 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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