

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10596 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Md. Jiayul Alam @ Md. Jiwaul Alam, Son of Md. Maksud Alam, resident
of Mumtaz Mohalla P.S. Naugachia, District- Naugachia, Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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

ORAL ORDER

2 21-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner seeks bail in connection with Kotwali P.S. Case
No. 104 of 2016 registered for the offence punishable under
Section 379 of the Indian Penal Code.

Allegedly, the motorcycle of the informant was stolen away
by some unknown miscreants while he was in the market.

Submission is of false implication and that the petitioner is
not named in the first information report, only on suspicion he has
been remanded in this case as he has got criminal antecedent. The
petitioner is a vegetable seller, there is no direct or indirect
evidence against the petitioner, he is suffering in custody since
07.04.2016, co-accused Md. Javed Anwar has already been
allowed bail vide Cr. Misc. No. 1308 of 2017 by another co-



ordinate Bench of this Court and only it has come that the petitioner and others were seen in suspicious condition. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, 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 learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali P.S. Case No. 104 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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