

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10662 of 2017

Arising Out of PS.Case No. -35 Year- 2016 Thana -DARBHANGA District- DARBHANGA

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Md. Irshad Son of Md. Moeen @ Moeen Mansuri, Resident of Village-
Haryath, P.S.- Alinagar, District Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali, Advocate

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-03-2017 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor, for the State.

The petitioner is languishing in judicial custody since 22.08.2016 in connection with S.T. No. 28 of 2017 arising out of Town P.S. Case No. 35 of 2016 for offence alleged under Section 392 of the Indian Penal Code but charge sheet has been submitted under Sections 395 and 412 of the Indian Penal Code.

The prosecution case is that the informant has been robbed of his Motorcycle and Rs. 4,00,000/- cash.

It has been submitted by learned counsel for the petitioner that it was only on the confessional statement which was obtained under coercion that the petitioner has been made accused. He submits that other co-accused namely, Hari Sahni



who was a liner, has since been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 4129 of 2017 on 7.3.2017. He submits that the charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P., for the State, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 5th Additional Sessions Judge, Darbhanga in connection with S.T. No. 28 of 2017 arising out of Town P.S. Case No. 35 of 2016 subject to the condition that one of the bailors must be a close relative of the petitioner.

(Nilu Agrawal, J)

S.Pandey/-

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