

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3526 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -SARAN GRP CASE District- SARAN

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Md. Sikandar @ Sikia Son of Md. Abbas Resident of Village- Chandrabhan
, Police Station- Nawhatta, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

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

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

3 10-03-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 328 and 379/34 of the I.P.C

Allegedly, after providing cold drink mixed with
intoxicant and making the informant and others unconscious the
articles including the A.T.M. card and cash of Rs. 83,000/- and the
bag were taken away and from the A.T.M. card purchase was
made of Rs. 35,000/- from Shahibaj Kids Store, Patna.

Submission is of false implication and that there is no
legal and tangible material against the petitioner, from the photo of
Whatsapp the petitioner has been got identified by the informant
and others, no test identification parade has been conducted, the



petitioner is in custody since 27.08.2016 and only on the basis of his criminal antecedent he has been implicated in this case.

The learned A.P.P. submits that during investigation the informant and other witnesses have identified the petitioner from the photo printed in Whatsapp.

In the facts and circumstances as stated above, considering custody of the petitioner and further that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Railway Judicial Magistrate, Sonapur, Saran in Chapra Rail P.S. Case No. 05 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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