

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24218 of 2017

Arising Out of PS.Case No. -132 Year- 2016 Thana -SAHPUR District- PATNA

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Md. Naushad, son of Late Md. Ashif, Resident of village- Saguna More,
Chhoti Haweli, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-05-2017 Heard the parties.

The petitioner seeks regular bail in connection with Shahpur P.S.Case No.132 of 2016 registered for offences punishable under Sections 399 & 402 of the Indian Penal Code and Section 25(1-B)a, 26/35 of the Arms Act.

The petitioner has again moved in this case as earlier his prayer was rejected by this Court, vide order dated 20.02.2017 passed in Cr. Misc. No.7097 of 2017 with observation that he may renew his prayer for bail after framing of charge, however, it is submitted on behalf of the petitioner that one co-accused had also moved earlier to this Court and his prayer was rejected with a direction to renew his prayer for bail after completion of six months and the co-accused moved before this Court again after completion of the period of six months and he has been granted



bail by this Court vide order dated 9.4.2017 passed in Cr. Misc. No.18987 of 2017, which will appear from Annexure-4 of the petition and the case of the petitioner is on better footing of the co-accused as nothing has been recovered from him and he is in custody for more than six months. As such the condition as imposed upon him earlier be modified.

Heard learned A.P.P. also.

Having heard both sides and in view of the fact the case of the petitioner is on better footing of the co-accused, who has been granted bail by this Court and also he has remained in custody for about six months, as such, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M., Danapur at Patna in connection with Sahhpur P.S.Case No.132 of 2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.



- (iv) However, the learned trial court is directed to expedite the trial of the petitioner and other accused persons.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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