

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31372 of 2017

Arising Out of PS.Case No. -163 Year- 2016 Thana -GAYGHAT District- MUZAFFARPUR

=====

1. Md. Saddam Son of Md. Eliyas, Resident of Village- Bulshi Mushahri,
P.S.- Bechha, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jyotsna Rani Mishra, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-07-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in jail since 23.11.2016 in a
case registered for offence punishable under Section 392 of the
Indian Penal Code.

The prosecution case as lodged by the informant is that
while he was bringing his loaded truck from Rajasthan to
Silliguri, some unknown persons intercepted his truck and on gun
point, threw the informant and khalasi and took away the truck
along with Rs. 15,000/- and mobile from his pocket.

It has been submitted by the learned counsel for the
petitioner that he is innocent and not named in the F.I.R. and only
on the basis of confessional statement of co-accused, which has no



evidentiary value in the eye of law that and he has been made accused. It is further submitted that on similar allegation the other co-accused have been granted the privilege of bail by Co-ordinate Benches of this Court in Cr. Misc. No. 10240 of 2017 dated 06.03.2017 and Cr. Misc. No. 9080 of 2017 on 01.03.2017. It is submitted that no T.I.P. has been done so far.

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

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 13th, Muzaffarpur in connection with Trial No. 913 of 2017 arising out of Gayghat P.S.Case No. 163 of 2016, subject to the following conditions:-

- i) One of the bailors 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 cooperate 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 bonds.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--

