

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30903 of 2017

Arising Out of PS.Case No. -390 Year- 2003 Thana -GANDHIMAIDAN District- PATNA

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Md. Ashfaque @ Md. Salman @ Salman Mian @ Suleman S/o- Safi Alam,
resident of Village- Minhaj Nagar, Khalalpura, P.S. Phulwari Sharif,
District- Patna. Petitioner.

Versus

The State of Bihar Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 06-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner seeks regular bail in connection with
Gandhi Maidan P.S. Case No.390 of 2003 registered for the
alleged offences under Sections 396, 412/34 and 120 B of the
Indian Penal Code.

As per the prosecution case, the sale proceed of a
petrol pump was looted by some unknown criminals after opening
firing. In the occurrence, the owner of the petrol pump was
injured and later on died.

It has been submitted by learned counsel for the
petitioner that earlier the petitioner was enlarged on bail by this
Court but, later on, his bail bond was cancelled on 27.06.2012
during his custody in relation to this case. The prosecution party



filed a petition for transfer of Sessions Trial No.990/2006 to the Court of learned A.D.J. XIV and on 16.11.2011 transfer order has been passed by learned A.D.J. VI but till 03.05.2012 the same Sessions Trial No.990/2006 was not transferred to the Court of A.D.J. XIV. Due to lack of knowledge, the petitioner could not be produced from jail on two dates i.e. 19.05.2012 and 01.06.2012 and without any information of changing the court the bail bond of the petitioner was cancelled. He has been remanded in the case on 18.09.2015 and has been languishing in custody since then.

In the facts and circumstances of the case, the petitioner above named is directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI, Patna in connection with Gandhi Maidan P.S. Case No.390 of 2003 (S.T. No.990 of 2006/5903 of 2014) .

(Prakash Chandra Jaiswal, J.)

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