

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25347 of 2017

Arising Out of PS.Case No. -19 Year- 2017 Thana -PANCHRUKHI District- SIWAN

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Mumtaz Ali, son of Md. Ali Hussain @ Haider Ali, resident of Village &
P.O.- Hardia, P.S.- Pachrukhi, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the Opposite Party/s : Smt. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 06-06-2017 Heard Mr. Arbind Kumar Singh, learned counsel for

the petitioner and Smt. Veena Rani Prasad, learned Additional

Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Pachrukhi P.S. Case No. 19 of 2017 registered for the
offences under sections 413, 414, 399, 402 of the Indian Penal
Code read with sections 25(1-b)/26/35 of the Arms Act.

The prosecution case as alleged in the First
Information Report would show that on secret information, the
patrolling party raided the place where the miscreants had
allegedly assembled to commit crime and found that three motor-
cycles were parked and seven young persons were talking to each
others and on seeing the police jeep, they tried to escape, but four



of them were apprehended by the police force. It is alleged that the apprehended persons disclosed the name of other three persons, however the name of this petitioner transpired in the confessional statement of the apprehended accused.

Learned counsel for the petitioner submits that the petitioner was not apprehended at the alleged place of occurrence and the petitioner having clean antecedent, has been falsely implicated. He also points out that co-accused, namely, Ali Asgar @ Asgar Ali has already been granted bail by the Sessions Judge, Siwan in B.P. No. 442 of 2017 on 07.04.2017. The petitioner surrendered in the court below on 10.02.2017 and since then, he is in jail. The investigation is over and charge-sheet has already been submitted against him.

Learned APP opposed the prayer for bail, however considering that the name of the petitioner transpired only in the confessional statement of co-accused Ali Asgar @ Asgar Ali, who has already been granted bail as also that the petitioner is in custody for about four months by now, I am inclined to grant the privilege of bail to the petitioner.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the Additional



Chief Judicial Magistrate-VI, Siwan in connection with Pachrukhi
P.S. Case No. 19 of 2017, subject to the condition that one of the
bailors shall be a family member of the petitioner having no
criminal antecedent.

Accordingly, this application is disposed of.

(Rajeev Ranjan Prasad, J)

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