

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1344 of 2017

Arising Out of PS.Case No. -235 Year- 2016 Thana -BAHADURGANJ District- KISANGANJ

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1. Mushtaque @ Mushtak,
2. Saddam,
3. Chhotu @ Ashfaq, All sons of Ansur Alam @ Anisur Rahman, all residents of Aambari, Police Station- Bahadurganj, District- Kishanganj.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dilip Kumar Singh, Adv.

For the Respondent/s : Sri Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-06-2017 The appeal is for grant of regular bail in connection with Bahadurganj P.S. Case No. 235 of 2016 registered for the offences punishable under section 302/34 of the Indian Penal Code and sections 3 (2) (va) SC/ST Act, 2016.

The appellants are not named in the F.I.R. and later on, their names transpired during the course of investigation.

It has been submitted on behalf of appellants that the informant has named the appellants in his written statement in paragraph 5 of the case diary that too only on suspicion, as there was some exchange of money between one Sanjay and the appellants in which appellants were witnesses and similarly he has also suspected the name of other accused persons but apart from



that there is absolutely nothing against the appellants and appellant Nos. 1 and 2 are in custody since 11.1.2017 and petitioner no. 3 is in custody since 16.01.2017.

Heard learned Special Public Prosecutor also. Learned Special Public Prosecutor could not controvert the submission of the counsel for the appellants.

Having heard both sides.

In view of the aforesaid facts and circumstances of the case, this appeal is allowed, impugned order is set aside.

Let appellants, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/-(Rs. Twenty five thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, Kishanganj in connection with Bahadurganj P.S. case no. 235 of 2016, subject to the following conditions:-

- (i) One of the bailors of the appellants shall be local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellants will not induce any witness or tamper with the evidence.
- (iii) The appellants shall cooperate in the disposal of trial and make themselves



available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine rhyme or reasons, the prosecution will have liberty to move for cancellation of their bail.

(Vinod Kumar Sinha, J)

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