

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34589 of 2017

Arising Out of PS.Case No. -75 Year- 2013 Thana -BANIAPUR District- SARAN

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Emamuddin Sai, S/o Allauddin Sai, R/o Village- Sasai Takia, P.S.-
Sahajitpur, District- Saran at Chapra.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 31-07-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Baniyapur P.S.Case No. 75 of 2013 registered for the offences punishable under Sections 395, 397 and 412 of the Indian Penal Code.

Petitioner is not named in the FIR and case is under Section 395 and other sections of the Indian Penal Code.

It has been submitted on behalf of the petitioner that he has been named in the confessional statement of co-accused, who has been granted bail in Cr.Misc.No. 28697 of 2015, vide order dated 6.8.2015. It has further been submitted that though he has been made accused in other two cases but the same relate to offence under Section 323 and 324/34 IPC and he is on bail in those cases and he is in custody for two months.

Heard learned APP also.

Having heard both sides and considering the aforesaid facts and circumstances, this application is disposed of with a



direction to the court below that once charge-sheet has been submitted in this case and if except confessional statement there is nothing against him, he will release the petitioner, named above, on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra, in connection with Baniyapur P.S.Case No. 75 of 2013, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties 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 reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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