

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39789 of 2017

Arising Out of PS.Case No. -82 Year- 2017 Thana -PIPRAHI District- SHEOHAR

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Mansoor Alam S/o Late Md. Jalil R/o Village-Dhankaul, P.S.-Piprahi,
District-Sheohar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 02-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Piprahi P.S.
Case No. 82 of 2017 for offences punishable under Sections 394
and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that he owns a coal depot and while going for demand of money
from his customers in his new motorcycle, on the road he was
intercepted by two miscreants who shot him on the back and took
away the motorcycle, mobile and cash Rs. 2000/-. Later on the
informant succumbed to the injury hence, Section 302 I.P.C. was
also added.

It has been submitted by the learned counsel for the



petitioner that he is innocent and not named in the F.I.R. In fact the police identified the petitioner from the photograph shown to the informant before his death which has no authentic and no T.I. Parade had been done. He submits that he is in custody since 05.06.2017 and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He further submits that the firing was alleged against other co-accused Anil Baitha in his confessional statement who has been granted pre-arrest bail by a co-ordinate Bench of this Court in Cr. Misc. No. 38258 of 2017 on 01.09.2017. He submits that no stolen articles have been recovered from the possession of the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Sheohar in connection with Piprahi P.S. Case No. 82 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an



affidavit stating their relationship with the petitioner.

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (4) The petitioner will also appear before the concerned police station in the first week of every month till six months, failing which, his bail bonds will be cancelled.

(Nilu Agrawal, J)

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