

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36810 of 2017

Arising Out of PS.Case No. -72 Year- 2016 Thana -SAMSTIPUR RAIL P.S District-
SAMASTIPUR

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1. MD. MASUM Son of Md. Shekh Mokhtar, R/o Village- Chaklalu, P.S.-
Maheshi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
25.11.2016 in connection with G.R.P. SPJ P.S. Case No. 72/16 for
offences punishable under Section 394 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was coming from Delhi to Samastipur in the way,
two accused persons came and on pistol point snatched his money,
shawl and mobile.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent, not
named in the First Information Report and his name surfaced on
his own confessional statement before the police, which has no



evidentiary value in the eye of law. He submits that another co-accused Sunni Kumar @ Dinesh, on similar allegations, has since been granted privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 33502 of 2017 on 20.07.2017 and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by 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 Addl. Chief Judicial Magistrate (R), Samastipur, in connection with G.R.P. SPJ P.S. Case No. 72/16, subject to the condition that both the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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