

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3481 of 2017

Arising Out of PS.Case No. -18 Year- 2016 Thana -MAIRWA District- SIWAN

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Md. Raja, S/o Aziz, R/o Village- Makhanpura, P.S.- Kharda, District- 24
Pargana (W.B.) Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 23-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Mairwa P.S.
Case No. 18 of 2016 registered for the offences punishable under
Sections 457 and 380 of the Indian Penal Code.

Allegedly, theft was committed in the house of the
informant by unknown miscreants and during investigation the
name of the petitioner transpires in the confessional statement of
Israfil leading to recovery of mobile phone from the house which
was under construction, the petitioner has been remanded in this
case on 13.03.2016 and since then he is in custody, nothing has
been recovered from conscious possession of the petitioner and he
has not been put on test identification parade and the alleged
confession made before the Police has got no evidentiary value in
the eye of law.



Learned APP opposes the prayer of bail by submitting that the petitioner is a Bangladeshi.

In the facts and circumstances stated above, considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Mairwa P.S. Case No. 18 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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